

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

MARCH 21, 2003

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Council Chamber
350 South 5th Street
Minneapolis, Minnesota
March 21, 2003 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held February 28 and the special meetings held March 6 and 13, 2003. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (268624)

Focus Minneapolis Initiative: Receive & File Status Report.

LOCAL INITIATIVES SUPPORT CORPORATION (268625)

Federal Legislation on Dividend Exclusion: Receive & File information on investment implications for Federal Tax Credits.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268626)

Affordable Housing Trust Fund Advisory Committee: Approve appts.

Neighborhood Revitalization Program Renters to Owners Initiative: Oppose action by NRP Policy Board.

West Broadway: Modification #5 to Redevelopment Plan and Modification #94 to the Common Plans.

HENNEPIN COUNTY (268627)

Hennepin County Shelter Advisory Board: Approve appts.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268628)

City's Living Wage: Receive & File living wage adjustment.

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268629)
Development Funding Cycle, March 2003: Receive & File quarterly review of development funding proposals.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268630)
Near Northside Community (renamed Heritage Park) Redevelopment Plan: Modification #1.
Franklin-Portland Gateway Project, Phase I: Appropriate funds for construction expenses.
Hennepin County Environmental Response Grants: Grant funds for Heritage Park and for Roosevelt Library site.
Grand Excursion 2004: Grant for related research.
Allocation of Community Development Block Grant Funds and Community Economic Development Funds: Approve Hubbard Project for funding.
GRANTS AND SPECIAL PROJECTS (268631)
2002 Livable Communities Demonstration Account Grants: Accept for Franklin-Portland Gateway Project, Grain Belt Housing Project, Phillips Park Initiative (Phase II), and Village in Phillips.

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (268632)
2003 Workplan for Civil Rights.
Heritage Park Audit: Preliminary Report.
HEALTH AND FAMILY SUPPORT SERVICES (268633)
Teen Parent Connection: Report.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268634)
Master Agreement with Minnesota Department of Economic Security: Execute Adult Youth Workforce Investment Act Title I and Minnesota Youth Program Master Agreements for period April 1, 2003 to March 31, 2006 to release funds.

HEALTH AND HUMAN SERVICES and PS&RS and W&M/Budget (See Rep):

CIVIL RIGHTS (268635)
Civilian Police Review Authority: Ordinances amending Title 9, Chapter 172 and Title 7, Chapter 141 to provide for redesign of Civilian Police Review Authority.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (268636)
Work Incentive Grants Program: Submit grant application seeking \$300,000 from United States Department of Labor to improve the ability of local one-stop delivery systems to serve people with disabilities.

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (268637)
Quarterly Report: April 2003.
INTERGOVERNMENTAL RELATIONS (268638)
House File No. 622 re 911 Enhancement: Proposed bill modifying emergency 911 telephone system provision to require multi-line telephone systems & provide caller locations.

INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (268639)
Mississippi River "Unified Park" Concept: Resolution supporting unified park on east bank of Mississippi River near St. Anthony Falls.

PUBLIC SAFETY AND REGULATORY SERVICES:

POLICE DEPARTMENT (268640)
Employee Appraisal Form.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

ATTORNEY (268641)

Emergency Preparedness: Ordinances amending Title 6, Chapter 128 of Code and Title 9, Chapter 173 of Code designating the Fire Chief as the person in the City responsible designating the Fire Chief as the person in the City responsible for emergency preparedness and management activities; and for managing the Office of Emergency Preparedness and Management.

CITY COUNCIL (268642)

Resolution defending the Bill of Rights: Comments.

LICENSES AND CONSUMER SERVICES (268643)

Owens Corning Fiberglass (1901 49th Av N): Grant Asphalt, Shingles & Roofing Manufacturer License, subject to conditions.

Licenses: Applications.

MINNESOTA STATE OFFICES, ADMINISTRATIVE HEARINGS (268644)

Minneapolis Food & Dollar Store (1845 Nicollet Av S): Approve Stipulation of Settlement Agreement; and Cancel Administrative Law Judge License Hearing, with attachment.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET:

POLICE DEPARTMENT (268645)

2002 Annual Report of Special Activity Funds.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

FIRE DEPARTMENT (268646)

Donations to Fire Department: Accept donations for purchase of CairnsIRIS Thermal Imaging System from 3M Personal Safety Division, Rudolphs Bar-B-Que, and Michelle Hempel; and Approve appropriation.

POLICE DEPARTMENT (268647)

2003 Drug Task Force Grant: Accept \$300,000 grant and execute grant agreement with Minnesota Department of Public Safety - Office of Drug Policy and Violence Prevention to combat sales and production of drugs; Execute sub-recipient contract with Hennepin County Sheriff to share funding; and Approve appropriation.

Overtime Costs on Homicide Investigations: Approve appropriation of \$20,000 in funds received from Bureau of Criminal Apprehension for investigation of murders of Tyesha Edwards and Laura Ann Lamotte.

Automated Pawn System: Approve multi-tier fee structure for query only Automated Pawn System subscribers.

PURCHASING (268648)

Bids for Ammunition: Accept bid of Streicher's to furnish and deliver Federal Brand ammunition for Police Department.

REGULATORY SERVICES (268649)

Groundwork USA Trust: Accept recommendation of Groundwork Minneapolis Steering Committee to establish a Groundwork USA Trust in Minneapolis and accept remaining \$90,000 grant from United States Environmental Protection Agency and National Park Service; Authorize City to provide office space, one-quarter staff time of Environmental Inspector and \$25,000 for first year of operation; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (268650)

Van White Memorial Blvd: Submit letter to Metropolitan Council designating the change of the boulevard as a B-Minor Arterial Street.

University East Street Renovation: Designate locations, streets & improvements; Recv cost estimate & list of benefited properties & prepare assessments.

Fire sprinkler system (Centre Village Parking Ramp): Approve change order with Summit Fire Protection for additional work.

Nicollet Av S (46th St W to Minnehaha Pkwy) Reconstruction Project: Designate locations, streets & improvements; Recv cost estimate & list of benefited properties & prepare assessments.

Public Service Center: Approve change order with Simplex Grinnell LP for replacing the fire alarm/evacuation system.

East 38th Street Reconstruction (23rd to 30th Aves S): Approve Layout #2 revised 1/31/03.

Division of Solid Waste and Recycling: Refocus Neighborhood Clean Sweeps and other programs.

Hennepin Theatre District Streetscape: Receive and file project update.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (268651)

43rd St E and Park Ave S Street Renovation (Flood Mitigation Basin): Order work to proceed & adopt special assessments & request Bd of Estimate to issue assessment bond; comments.

South Linden Hills St Renovation: Order work to proceed & adopt special assessments & request Bd of Estimate to issue assessment bonds; comments.

Kenwood Parkway Sanitary Sewer: Designate the sanitary sewer work, adopt special assessments & order the work to proceed, approve Kenwood Crest LLC's petition & increasing the appropriation.

Bids: OP #6017, only bid of CDS Technologies Inc for grit removal structure; OP #6011, low bids of Veit Disposal Systems and Onyx Environmental for disposal of waste and construction debris as needed through 12/31/03.

Fire Vehicles 03/21/2003: Increasing Equipment Division appropriation, request Bd of Estimate to issue and sell bonds, and declaring the City's intent to reimburse by incurring tax exempt debt, pursuant to IRS Treasury Regulations.

WAYS AND MEANS BUDGET:

COORDINATOR (268652)

Council and Administrative Special Permits: update of progress on working group and recommendation to direct staff to bring forward actions to revise authority and procedures for issuance of permit.

ESTIMATE AND TAXATION (268653)

Human Resources Department: Review of health benefit administration by State Auditor.

FINANCE DEPARTMENT (268654)

2002 and 2003 Appropriation Adjustments: Supplemental appropriation to 2002 budget and reappropriation of funds to 2003.

FINANCE DEPARTMENT (268655)

2002 4th Quarter Financial Report.

Assessment for Special Compensation Fund: Release six-month assessment payment to the Minnesota Department of Labor and Industry.

LIBRARY, MINNEAPOLIS PUBLIC (268656)

Library Budget: Report on 10-year budget plans and update on fundraising for New Central Library Project.

WAYS AND MEANS BUDGET (See Rep):

CITY CLERK (268657)

2003 Minneapolis Board of Equalization: Establish 2003 Board and approve appointment of membership.

COORDINATOR (268658)

Empowerment Zone (EZ) Funds for Heritage Park Project: Loan to Heritage Park Project.

Appointments to Empowerment Zone (EZ) Governance Board: Jason Geschwind and Anissa Keyes.

COORDINATOR (268659)

Minneapolis Code of Ethics: Recommendations of the Ethics Task Force for establishment of a new Code of Ethics, appointment of an Ethics Officer, Revision of Statements of Financial Interest, training program, and establish work group; comments received on proposed changes.

HUMAN RESOURCES (268660)

Moving expenses for Public Works Director: Request of Klara Fabry for expenses up to \$15,000.

Job Bank Ordinance: Amendments to ordinance changing employee participation and benefits; comments from the American Federation of State, County and Municipal Employees.

INFORMATION AND TECHNOLOGY SERVICES (ITS) (268661)

Bid for Maintenance of Telecommunications Equipment: Low bid or Norstan Communications.

LIBRARY, MINNEAPOLIS PUBLIC (268662)

New Central Library Project: Extend contract period with Meyer Scherer & Rockcastle.

PLANNING COMMISSION/DEPARTMENT (268663)

Commercial Corridor Planner Position: Authorize Principal Planner position for commercial corridor strategic planning revitalization planning.

RESOLUTIONS:

FINANCE DEPARTMENT (268664)

Full Time Equivalents: Analysis of related costs for estimated reductions.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (268664)

Waiver:

Abraham Aaijane, dba Penn Gas Stop (2600-06 Penn Ave N): Waiver from restrictions from moratorium on grocery stores & automobile convenience facilities in C1 & C2 zoning districts between Penn & Lyndale Aves N & 26th & 44th Aves N.

Zoning Code Text Amendment:

Zoning Application Fees: Ordinance amending Title 20, Chapter 525 re refunding of fees for applications that have been withdrawn or returned.

Rezoning:

Kit Richardson: 700-766 N 4th St;

Minnesota Teen Challenge: 1619 Portland Ave S.

FILED:

CITY CLERK/SPECIAL PERMITS (268665)

2nd Av S, 1301 (General Sports Shows) animals, birds & wolves;

Franklin Av E, 1235 (Sign Art Company) sign;

Lake St W, 505 (Sign Solutions) sign;

Marshall St NE, 2430 (Lawrence Sign) sign;

Nicollet Mall, 700 (Johmar Farms) ponies & bunnies.

COUNCIL MEMBER LANE (268666)

Ltr re: City of Minneapolis AMM Board Representation.

POLICE DEPARTMENT (268667)

2001 Annual Report.

PUBLIC WORKS AND ENGINEERING (268668)

Permission to vacate alley between Snelling & Minnehaha Aves, vicinity of East Lake Street.

XCEL ENERGY (268669)

Xcel Energy/NSP: Installation of various poles.

The following reports were signed by Mayor Rybak on March 27, 2003, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration the recommendation of the Hennepin County Board of Commissioners and the Minneapolis City Council to jointly appoint the following persons to serve on the Hennepin County Shelter Advisory Board for the remainder of two-year terms to expire December 31, 2004, in concurrence with the Hennepin County action adopted on February 18, 2003, now recommends that the matter be sent forward without recommendation:

a) Michael Freiberg and Victoria West (Category: At-Large); and

b) Sheila Cabot, Rebecca Freund, Felicia Glover, Susan Olson and Neil Weber (Category: Family Service Providers, Communities of Color, Homeless People or Representatives from Suburban Municipalities, including Elected Officials).

Goodman moved to amend the report to delete the language, "sent forward without recommendation," and to insert in lieu thereof the word, "approved." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 3/21/03.

Absent - Zimmermann.

Comm Dev - Your Committee, having under consideration the City Council recommendation to appoint the following persons to serve on the Affordable Housing Trust Fund Advisory Committee, now recommends that the matter be sent forward without recommendation:

1) Gloria Perez Jordan (Co-Chair), Non-Profit Developer, employed by the Jeremiah Program located in Ward 5;

2) Anne Mavity, Provider of Supportive Housing, employed by the Corporation for Supportive Housing located in Ward 9;

3) Shada Buyobe Hammond, Housing Trust Fund Coalition representative, Ward 6;

4) Gene Martinez, Housing Trust Fund Coalition representative, Ward 12;

5) Judith Tennebaum, Housing Trust Fund Coalition representative, Ward 13;

6) Joann Gonzalez, low-income tenant, Ward 12; and

7) Matt Halley, At-Large Representative, Ward 5.

Goodman moved to amend the report to delete the language, "sent forward without recommendation," and to insert in lieu thereof the word, "approved." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 3/21/03.

Declining to vote - Lane.

Absent - Zimmermann.

Comm Dev - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board to create and fund a mortgage guarantee program by developing a "Renters to Owners" Initiative that would set aside NRP funds to act as a mortgage insurance fund for new homeowners, now recommends that the City oppose said action of the NRP Policy Board.

Zerby moved that the report be tabled.

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Samuels, Johnson, Zerby, Lilligren, Johnson Lee.

Nays - Niziolek, Benson, Goodman, Lane, Colvin Roy, Zimmermann, Schiff, Ostrow.

Zerby moved that the report be referred back to the Community Development Committee with a request that the proposal be further developed with input from neighborhoods and the Minneapolis Community Development Agency, and that a more fully developed report be brought back to the Community Development Committee. Seconded.

Lost. Yeas, 4; Nays, 9 as follows:

Yeas - Johnson, Zerby, Lilligren, Johnson Lee.

Nays - Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Ostrow.

The report was adopted 3/21/03.

Yeas, 9; Nays, 4 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays - Johnson, Zerby, Lilligren, Johnson Lee.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the recommendation of the Deputy Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution adopting Modification No. 5 to the West Broadway Redevelopment Plan and Modification No. 94 to the Common Plans to reflect property that may be acquired.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to adopt plan modifications.

Adopted 3/21/03.

Absent - Zimmermann.

Resolution 2003R-066, adopting Modification #5 to the West Broadway Redevelopment Plan, and Modification #94 to the Common Plans, to reflect property that may be acquired, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-066
By Goodman and Johnson

Adopting Modification No. 5 to the West Broadway Redevelopment Plan and Modification No. 94 to the Common Plans, to reflect property that may be acquired.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals.

1.1. That the Minneapolis Community Development Agency (the "Agency") is the Housing and Redevelopment Authority in and for the City of Minneapolis (the "City") with the authority to propose and implement redevelopment projects and tax increment financing districts, among other things, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, 469.124 through 469.134, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended; and Minnesota Code of Ordinances, Chapter 422 (the "Laws").

1.2. That by Resolution No 89R-530 duly adopted December 15, 1989, and approved December 21, 1989, the City of Minneapolis has approved the creation by the Agency of the Common Development and Redevelopment Project (the "Common Project Area") and the adoption of the Common Development and Redevelopment Plan and the Common Tax Increment Financing Plan (the Common Plans") relating thereto, all pursuant to the Laws.

1.3. It has been proposed that the Agency modify the West Broadway Redevelopment Plan and the Commons Plans to identify property to be acquired within the West Broadway Redevelopment Project, all pursuant to and in accordance with the Laws.

1.4. The Agency has prepared, and this City Council (the "Council") has investigated the facts with respect thereto, a proposed Modification No 5 to the West Broadway Redevelopment Plan and related Modification No 94 to the Common Plans (the "Modifications") which Modifications designate

a parcel located within the West Broadway Project Area as Property That May Be Acquired, all pursuant to and in accordance with the Laws.

1.5. The Agency and the Council have performed all actions required by law to be performed prior to the adoption of the Modifications, including, but not limited to, a review of the proposed Modifications by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Modifications to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.6. The Council hereby determines that it is necessary and in the best interest of the City at this time to approve the Modifications to reflect the acquisition of property within the West Broadway Redevelopment Project.

Section 2. Findings for the Adoption of the Modifications.

2.1. The Council hereby finds, determines and declares that the Modifications will afford maximum opportunity, consistent with the needs of the City as a whole, for the redevelopment of the Project Area by private enterprise.

2.2. The Council further finds, determines and declares that the Modifications conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Modifications were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and reaffirms all previous findings with respect to the West Broadway Redevelopment Plan.

2.4. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Modifications.

Section 3. Approval of the Modifications.

3.1 Based upon the findings set forth in Section 2 hereof, the Modifications presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modifications.

4.1. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Modifications, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, modifications, resolutions, documents and contracts necessary for this purpose.

4.2. The staff of the City and the Agency are hereby directed to incorporate Modification No 94 into the Common Plans.

Adopted 3/21/03.

Absent - Zimmermann.

Comm Dev & W&M/Budget - Your Committee recommends concurrence with the recommendation of the Deputy Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution adopting Modification No. 1 to the Near Northside Community (renamed Heritage Park) Redevelopment Plan to reflect property that may be acquired.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to adopt plan modifications.

Adopted 3/21/03.

Absent - Zimmermann.

Resolution 2003R-067, adopting Modification #1 to the Near Northside Community (renamed Heritage Park) Redevelopment Plan to reflect property that may be acquired, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-067
By Goodman and Johnson

Adopting Modification No 1 to the Near Northside Community (renamed Heritage Park) Redevelopment Plan to reflect property that may be acquired.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals.

1.1. That the Minneapolis Community Development Agency (the "Agency") has the authority to propose and implement redevelopment projects and tax increment financing districts, among other things, all pursuant to Minnesota Statutes, Sections 469.001 through 469.047, 469.124 through 469.134, and 469.174 through 469.179 as amended; Laws of Minnesota 1971, Chapter 677, as amended; Laws of Minnesota 1980, Chapter 595, as amended; and Minneapolis Code of Ordinances, Chapter 422 (collectively, the "Laws").

1.2. That the Minnesota State Legislature passed special legislation, Laws of Minnesota 1997, Chapter 231, Article 10, Sections 17 through 20 (the Special Law") authorizing the establishment by the Agency of a housing transition district; and further, that on July 31, 1998, the City Council by Resolution No 98R-284 approved and affirmed the Special Law as required.

1.3. That by Resolution No 99R-261 duly adopted July 30, 1999 the City of Minneapolis approved the adoption by the Agency of the Near Northside Community Redevelopment Plan, all pursuant to the Laws and Special Law.

1.4. It has been proposed that the Agency modify the Near Northside Community Redevelopment Plan to identify property that may be acquired within the Near Northside Community Redevelopment Project, and to change the name of the project to Heritage Park.

1.5. The Agency has prepared, and this City Council (the "Council") has investigated the facts with respect to, a proposed Modification No 1 to the Near Northside Community (renamed Heritage Park) Redevelopment Plan (the "Modification"), which Modification designates a parcel located within the Project Area as "Property That May Be Acquired", all pursuant to and in accordance with the Laws and Special Law.

1.6. The Agency and the Council have performed all actions required by law to be performed prior to the adoption of the Modification, including, but not limited to, a review of the proposed Modification by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Modification to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.7. The Council hereby determines that it is necessary and in the best interest of the City at this time to approve the Modification to reflect the possible acquisition of property and the name change within the Near Northside Community (renamed Heritage Park) Redevelopment Project.

Section 2. Findings for the Adoption of the Modification.

2.1. The Council hereby finds, determines and declares that the Modification will afford maximum opportunity, consistent with the needs of the City as a whole, for the redevelopment of the Project Area by private enterprise.

2.2. The Council further finds, determines and declares that the Modification conforms to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Modification were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and reaffirms all previous findings with respect to the Near Northside Community (renamed Heritage Park) Redevelopment Plan.

2.4. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Modification.

Section 3. Approval of the Modification.

3.1 Based upon the findings set forth in Section 2 hereof, the Modification presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Modification.

4.1. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Modification, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 3/21/03.

Absent - Zimmermann.

Comm Dev & W&M/Budget - Your Committee, having under consideration construction expenses for the Franklin-Portland Gateway, Phase I Project, now recommends concurrence with the recommendation of the Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage of the accompanying Resolution, amending the 2003 MCDA Appropriation Resolution by increasing the appropriation in Fund FNA0 (Neighborhood Development Account) by \$400,000 for said construction expenses.

Adopted 3/21/03.

Absent - Zimmermann.

**RESOLUTION 2003R-068
By Goodman and Johnson**

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund FNA0 (Neighborhood Development Account) by \$400,000 from the projected fund balance.

Adopted 3/21/03.

Absent - Zimmermann.

Comm Dev & W&M/Budget - Your Committee, having under consideration Hennepin County Environmental Response grants for pollution investigation and remediation activities, now recommends:

- 1) acceptance of a \$200,000 grant for Heritage Park;
- 2) passage of the accompanying Resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing Fund SMN0 by \$200,000 and increasing the revenue budget by \$200,000; and
- 3) that this report be transmitted to the MCDA Board of Commissioners for execution of grant agreement(s) and sub-recipient agreement(s).

Your Committee further recommends:

- 4) acceptance of a \$15,000 grant for the proposed Roosevelt Library site;
- 5) passage of the accompanying Resolution amending the 2003 MCDA Appropriation Resolution, increasing Fund SMN0 by \$15,000 and increasing the revenue budget by \$15,000; and
- 6) that this report be transmitted to the MCDA Board of Commissioners for execution of grant agreement(s) and sub-recipient agreement(s).

Adopted 3/21/03.

Absent - Zimmermann.

RESOLUTION 2003R-069
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 by \$200,000 from the projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3220-03 County Grants) by \$200,000 for Heritage Park.

Adopted 3/21/03.

Absent - Zimmermann.

RESOLUTION 2003R-070
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 by \$15,000 from the projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3220-03 County Grants) by \$15,000 for the proposed Roosevelt Library site.

Adopted 3/21/03.

Absent - Zimmermann.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of a grant of \$7,000 from the St. Anthony Falls Heritage Board to be used for research relating to the Grand Excursion 2004 event.

Your Committee further recommends passage of the accompanying resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution to increase the appropriation in Fund SMN0 (State and Other Grants) by \$7,000.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to execute a grant agreement with the St. Anthony Falls Heritage Board for said research.

Adopted 3/21/03.

Absent - Zimmermann.

RESOLUTION 2003R-071
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 by \$7,000 from the projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3215-14 Other Grant Revenues) by \$7,000.

Adopted 3/21/03.

Absent - Zimmermann.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of 2002 Livable Communities Demonstration Account (LCDA) grant funds from the Metropolitan Council, in the amount of \$1,962,600, for the following projects, for the amounts indicated:

- a) Franklin-Portland Gateway Project, \$500,000;
- b) Grain Belt Housing Project, \$775,000;
- c) Phillips Park Initiative, Phase II, \$250,000; and
- d) Village in Phillips, \$437,600.

Your Committee further recommends that the proper City officers be authorized to execute grant agreements with the Metropolitan Council for said projects.

Your Committee further recommends that the proper City officers be authorized to develop, execute and/or amend appropriate legal agreements to implement projects with the selected vendor(s), in accordance with specified terms and respective funding requirements, to be effective upon execution of the agreement and to expire December 31, 2004.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation in the Non-Departmental Agency by \$1,962,600 for transfer to the MCDA.

Your Committee further recommends passage of the accompany Resolution amending the 2003 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the appropriation in Fund SMN0 by \$1,962,600.

Adopted 3/21/03.

Absent - Zimmermann.

RESOLUTION 2003R-072
By Goodman and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by:

- a) increasing the appropriation for the Non-Departmental Agency in the Grants - Other Fund (0600-123-1232-5130) by \$1,962,600; and
- b) increasing the appropriation for the Interfund Transfer Agency in the Grants - Other Fund (0600-127-1270-3825) by \$1,962,600 for transfer to the Minneapolis Community Development Agency.

Adopted 3/21/03.

Absent - Zimmermann.

RESOLUTION 2003R-073
By Goodman and Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN0 by \$1,962,600 from the projected fund balance, and increasing the MCDA revenue budget in Fund SMN0 (3215-13, Other Minnesota Grantor Agencies) by \$1,962,600.

Adopted 3/21/03.

Absent - Zimmermann.

Comm Dev & W&M/Budget - Your Committee, having under consideration the March, 2003 quarterly development funding cycle, now recommends concurrence with the recommendation of the Executive Director of the Minneapolis Community Development Agency (MCDA) to approve the Hubbard Project for funding.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA for allocation of Community Economic Development Fund (CEDF) and Community Development Block Grant (CDBG) funds from Fund FBG0 (Federal Block Grant) to the Hubbard Building Project, in the amount of \$300,000.

Your Committee further recommends that appropriate staff of the MCDA be directed to negotiate a redevelopment contract with the developer.

Adopted 3/21/03.

Absent - Zimmermann.

Comm Dev & W&M/Budget - Your Committee, to whom was referred back from Council on February 28, 2003 the proposed organizational structure of the Community Planning and Economic Development (CPED) Department, now recommends:

Comm Dev - a) That the Regulatory Services Department be relocated to the CPED Department and report directly to the Interim Director of CPED;

b) That the CPED Department report directly to the City Council and the Mayor; and

c) That the Minneapolis Employment and Training Program (METP) be relocated from the Health Department to the CPED Department and report directly to the Interim Director of CPED;

W&M/Budget - a) That the Regulatory Services Department shall remain a separate department from CPED and report directly to the City Coordinator;

b) That the CPED Department report directly to the City Coordinator; and

c) That the Minneapolis Employment and Training Program (METP) be relocated from the Health Department to CPED.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote.

The **HEALTH & HUMAN SERVICES** Committee submitted the following report:

H&HS - Your Committee recommends that the proper City Officers be authorized to execute the Adult Youth Workforce Investment Act Title I and Minnesota Youth Program Master Agreement for the period April 1, 2003 through March 31, 2006 for the release of funding.

Adopted 3/21/03.

Absent - Zimmermann.

The **HEALTH & HUMAN SERVICES and WAYS & MEANS/BUDGET** Committee submitted the following report:

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to apply for a grant seeking up to \$300,000 from the United States Department of Labor, Work Incentive Grants Program, to improve the ability of local one-stop delivery systems to serve people with disabilities through streamlined, seamless service delivery.

Adopted 3/21/03.

Absent - Zimmermann.

Approved by Acting Mayor Ostrow 3/21/03. (Published 3/25/03)

The **HEALTH & HUMAN SERVICES, PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET** Committee submitted the following report:

H&HS & PS&RS & W&M/Budget - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances to provide for the redesign of the Civilian Police Review Authority, now recommends that the following ordinances be given their second reading for amendment and passage:

H&HS - Title 9, Chapter 172 relating to *Fire and Police Protection: Civilian Police Review Authority*.

PS&RS & W&M/Budget - Title 9, Chapter 172 relating to *Fire and Police Protection: Civilian Police Review Authority*, and Title 7, Chapter 141 relating to *Civil Rights: Administration and Enforcement*.

Johnson Lee moved to amend the report to approve the Health & Human Services Committee recommendation and to delete the Public Safety & Regulatory Services and Ways & Means/Budget Committee recommendation. Seconded.

Zerby moved to amend Section 172.190 of the H&HS ordinance by deleting the language and inserting in lieu thereof the following:

"172.190. Appeal by complainant from internal affairs investigation. It is the intent of the Council that the provisions of this title shall only provide an administrative appeal for a complaint from an adverse decision of the Minneapolis Police Department internal affairs division; provided however, if the internal affairs division has not acted upon a complaint within 90 days of the filing of the complaint, the complainant may proceed to file the complaint under the provisions of this title." Seconded.

Johnson moved a substitute to approve the Public Safety & Regulatory Services and Ways & Means/Budget Committee recommendation and to delete the Health & Human Services Committee recommendation. Seconded.

Zerby raised a Point of Order as to whether the Johnson motion was in order.

Ostrow ruled that the motion was in order.

Lilligren challenged the ruling of the Chair.

The Chair's ruling was upheld by the following roll call vote:

Yeas, 10; Nays, 3 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Ostrow.

Nays - Zerby, Lilligren, Johnson Lee.

Goodman Called the Question. Seconded.

Adopted. Yeas, 9; Nays, 4 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Ostrow.

Nays - Schiff, Zerby, Lilligren, Johnson Lee.

Johnson's motion to substitute was adopted.

Yeas, 8; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Nays - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

Benson moved to amend Section 172.20(d) of the ordinance to add the words "or sexual orientation" at the end of the sentence, and to amend Section 172.30(e) of the ordinance to strike the words "or fifteen dollars (\$15.00) per hour for every full hour spent reviewing case files or otherwise preparing for hearings related to complaints,". Seconded.

Adopted upon a voice vote.

Zimmermann moved to amend Section 172.190 of the ordinance by deleting the language and inserting in lieu thereof the following:

"172.190. Appeal by complainant from internal affairs investigation. It is the intent of the Council that the provisions of this title shall only provide an administrative appeal for a complaint from an adverse decision of the Minneapolis Police Department internal affairs division; provided however, if the internal affairs division has not acted upon a complaint within 90 days of the filing of the complaint, the complainant may proceed to file the complaint under the provisions of this title." Seconded.

Ostrow ruled that Zimmermann's motion was equivalent to a rejection of the previous Zerby motion and was out of order.

Schiff challenged the ruling of the Chair.

The Chair's ruling was upheld by the following roll call vote:

Yeas, 7; Nays, 6 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Ostrow.

Nays - Samuels, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

Goodman Called the Question. Seconded.

Lost for lack of a two-thirds vote. Yeas, 8; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Nays - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

Schiff moved to strike Section 172.190 of the ordinance. Seconded.

Lost. Yeas, 5; Nays, 8 as follows:

Yeas - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

Nays - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Zerby moved to amend Section 172.190 of the ordinance by deleting the language and inserting in lieu thereof the following:

"172.190. Complainant's choice. A complainant shall be offered the choice to proceed under this title or go to the Minneapolis Police Department internal affairs division." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 3/21/03.

Yeas, 8; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Nays - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

Ordinance 2003-Or-028 amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, summarized as follows, was passed 3/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

- a. Amends Section 172.10 relating to Civilian police review authority established.
- b. Amends Section 172.20 relating to Scope of authority.
- c. Amends Section 172.30 relating to Review authority membership - composition, qualifications, minimum training requirements, removal and compensation.
- d. Repeals Section 172.35 relating to compensation limitation.
- e. Amends Section 172.40 relating to Review authority—Administrative duties - rulemaking notice and hearing; rulemaking hearing procedure; and development of procedures.
- f. Amends Section 172.50 relating to meetings.
- g. Repeals Section 172.60 relating to members—removal.
- h. Adds a new Section 172.60 relating to Review authority—substantive duties and powers.
- i. Amends Section 172.80 relating to preliminary review.
- j. Amends Section 172.90 relating to investigations.
- k. Adds a new Section 172.95 relating to investigation review.
- l. Repeals Section 172.100 relating to evidentiary hearings.
- m. Adds a new Section 172.100 relating to hearings related to complaints.
- n. Repeals Section 172.110 relating to subpoena power.
- o. Adds a new Section 172.110 relating to standard of proof.
- p. Repeals Section 172.120 relating to requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the review authority.
- q. Adds a new Section 172.120 relating to request for reconsideration by complainant.
- r. Repeals Section 172.130 relating to findings of fact and determination.
- s. Adds a new Section 172.130 relating to disciplinary decision.
- t. Amends Section 172.140 relating to confidentiality.
- u. Repeals Section 172.150 relating to notice to parties.
- v. Adds a new Section 172.150 relating to mediation.
- w. Adds a new Section 172.170 relating to staff.
- x. Adds a new Section 172.180 relating to requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the review authority.
- y. Adds a new Section 172.190 relating to complainant's choice.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-028
By Johnson
Intro & 1st Reading: 8/29/02
Ref to: H&HS, PS&RS & W&M/Budget
2nd Reading: 3/21/03

Amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Civilian Police Review Authority.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 172.10 of the above-entitled ordinance be amended to read as follows:

172.10. Civilian police review authority established. There is hereby created a Minneapolis Civilian Police Review Authority for the purpose of investigating allegations of misconduct on the part of officers of the Minneapolis Police Department and making findings of fact and conclusions based upon those findings of fact. ~~The review authority shall hire its own administrative and investigative staff. This staff shall include an executive director who shall be an attorney-at-law. Investigators hired by the review authority shall be civilians who have prior experience or training as investigators. "Civilian," for the purpose of this section, is a person who is not now, or has ever been a sworn officer of the Minneapolis Police Department.~~

Section 2. That Section 172.20 of the above-entitled ordinance be amended to read as follows:

172.20. Scope of authority. The review authority shall receive complaints that allege misconduct by an individual police officer or officers, including, but not limited to, the following:

- a) Use of excessive force;
- b) Inappropriate language or attitude;
- c) Harassment;
- d) Discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability or age; or sexual orientation.
- e) Theft;
- f) Failure to provide adequate or timely police protection.
- g) Retaliation for filing a complaint with the review authority.

Section 3. That Section 172.30 of the above-entitled ordinance be amended to read as follows:

172.30. Composition Review authority membership. (a) Composition. The review authority shall be comprised of seven (7) members, four (4) of whom shall be appointed by the city council, and three (3) of whom shall be appointed by the mayor, subject to the approval of a majority of the city council ~~(7)~~. The members shall serve for terms of four (4) years, ~~except that in 1990, three (3) members shall be appointed for four (4) years, two (2) members appointed for three (3) years and two (2) members appointed for two (2) years.~~ From the members, a chairperson of the review authority shall be appointed by the mayor, for a term of two (2) years, subject to the approval of a majority of the city council. All members shall continue to serve until their successors have been appointed. Four (4) members shall constitute a quorum.

(b) Qualifications. All members shall be residents of the city. Residents currently or previously employed by the Minneapolis Police Department are ineligible to serve as members of the authority.

(c) Minimum training requirements. All members must participate in an annual training session as arranged by the Minneapolis Department of Civil Rights. All new members must complete training in the following subject areas as arranged by the Minneapolis Department of Civil Rights: police use of force, Minnesota Government Data Practices Act, Open Meeting law and Minnesota Public Employee Labor Relations Act, conflict of interest.

(d) Removal. Any member of the review authority may be removed, by vote of a majority of the city council and approval of the mayor, for incompetence, neglect of duty, misconduct or malfeasance, failure to participate in and complete minimum training requirements. Any

vacancy occasioned by resignation, death, or removal of a member shall be filled for the balance of the unexpired term by appointment by the mayor subject to approval of the city council. A member who has three (3) absences from meetings or complaint hearings in a calendar year shall automatically cease to be a member of the authority.

(e) ~~Compensation—Limitation.~~ Each member shall be paid fifty dollars (\$50.00) for each day when the member attends one (1) or more meetings or hearings, and shall be reimbursed for expenses incurred in the performance of duties in the same manner and amount as other city boards and commission members. The total amount of per diem, payment for file review, and reimbursable expenses payable under this section shall not exceed the total annual budget allocation for such costs.

Section 4. That Section 172.35 of the above-entitled ordinance be and is hereby repealed.

~~**172.35. Compensation—Limitation.** Each member shall be paid fifty dollars (\$50.00) for each day when the member attends one or more meetings or hearings, or provides other services as authorized by board rule, and shall be reimbursed for expenses incurred in the performance of duties in the same manner and amount as other city boards and commission members.~~

~~The total amount of per diem and reimbursable expenses payable under this section shall not exceed the total annual budget allocation for such costs.~~

Section 5. That Section 172.40 of the above-entitled ordinance be amended to read as follows:

172.40. Review authority—Administrative Duties. (a) Rulemaking notice and hearing. The review authority shall adopt rules governing its operation. All rules, and any amendments thereto, ~~except rules governing the review authority's internal operations,~~ shall be enacted after a public hearing, at which interested persons may present written and oral evidence. ~~The review authority shall consult with the chief of police in developing these rules.~~ The review authority shall, at least thirty (30) days prior to the date set for the hearing, give notice of its intention to adopt rules by publishing notice of the proposed rule, the date and location of the hearing. The notice shall also be provided to the mayor, city council and chief of police.

(b) ~~Rulemaking Hearing procedure.~~ Rulemaking hearings shall be presided over by the chairperson of the review authority. The chairperson shall ensure that all persons involved in the hearing are treated fairly and impartially. After hearing and considering evidence, the review authority may choose to enact the proposed rule, enact an amended rule, or to not enact a rule. If the review authority chooses to enact a rule, the review authority shall enter into the record any written exhibits in support of the rule, along with a brief statement explaining why the review authority has adopted the rule and shall submit such rule for approval by a majority of the city council. Rules adopted by the review authority shall not be effective until approved by the city council.

~~(c) The review authority may enact additional rules for its internal operation. These rules need not be enacted subsequent to a public hearing nor be submitted to the city council for approval. Such rules shall be procedural rather than substantive and shall not have a direct impact on the rights of officers of the Minneapolis Police Department.~~

~~(d) (c)~~ The review authority shall cooperate with the chief of police in developing procedures pursuant to *Garrity v. New Jersey*, 385 U.S. 493 (1967) and *Gardner v. Broderick Police Commissioner* NY, 392 U.S. 273 (1968) procedures.

Section 6. That Section 172.50 of the above-entitled ordinance be amended to read as follows:

172.50. Meetings. (a) The review authority shall meet once every month at a regularly scheduled time and place for the purpose of ~~conducting evidentiary hearings~~ hearing requests for reconsideration, establishing the next month's hearing panel(s) and/or to conduct any other business necessary to the operation of the review authority. The review authority may meet at such additional times and places deemed necessary by its members, or on the call of the chairperson.

(b) Each month the chairperson of the review authority shall appoint panel(s) of three (3) members to conduct hearings related to complaints as necessary during the subsequent month. The chairperson of the review authority shall designate a chairperson of each panel. The panels of three review authority members shall meet at scheduled times and places for the purpose of conducting hearings related to complaints.

Section 7. That Section 172.60 of the above-entitled ordinance be and is hereby repealed.

~~**172.60. Members—Removal.** Any member of the review authority may be removed for incompetence, neglect of duty, misconduct or malfeasance by vote of a majority of the city council and approval of the mayor. Any vacancy occasioned by resignation, death, or removal of a member shall be filled for the balance of the unexpired term by appointment by the appointing authority subject to approval of a majority of the city council.~~

Section 8. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.60 to read as follows:

172.60 Review authority — Substantive duties and powers. (a) Receive complaints alleging misconduct on the part of a Minneapolis police officer and conduct such investigations and inquiries as may reasonably appear necessary to find the facts with respect to the complaints.

(b) Conduct hearings related to complaints as provided in this chapter.

(c) Forward all investigatory findings and case recommendations to the chief of police.

(d) Conduct a program of research and study for the purpose of ascertaining how the objectives of this title may be attained and sustained.

(e) Compile statistics relating to complaints of police officer misconduct and present results of such analysis on a quarterly basis to the Public Safety and Regulatory Services Committee.

(f) Review Minneapolis Police Department policies and training procedures and make recommendations for change.

(g) Facilitate, along with Minneapolis Police Department, appropriate cultural awareness training for sworn officers as determined by the review authority.

(h) Participate in the performance review of the chief of police.

(i) Create and implement a community outreach program. Coordinate outreach activities with the Minneapolis Commission on Civil Rights.

(j) Submit quarterly reports to the Public Safety and Regulatory Services Committee as to the activities of the review authority.

Section 9. That Section 172.80 of the above-entitled ordinance be amended to read as follows:

172.80. Preliminary review. ~~Within thirty (30) seven (7) days of the date that a complaint was filed, the review authority staff shall make a preliminary review of each complaint and determine whether an investigation of the alleged misconduct is warranted, whether the matter shall be mediated mediation is appropriate or whether no further action is necessary. This decision shall be made in accordance with the rules promulgated by the review authority. The rules and guidelines shall provide some discretion to the executive director to begin investigations in lieu of a preliminary review.~~ All complaints shall be kept on file regardless of whether an investigation is initiated.

Section 10. That Section 172.90 of the above-entitled ordinance be amended to read as follows:

172.90. Investigations. ~~If the review authority staff determines that further investigation is warranted, the complaint shall be investigated by an a review authority investigator selected and hired by the review authority. The investigator shall prepare recommended findings of fact and a recommendation of sustained or not sustained in a written summary. Such investigation shall be completed within one hundred and twenty (120) sixty (60) days of the date that the complaint was filed. The review authority manager may once extend this deadline by an additional sixty (60) thirty (30) days, with a written explanation of the reason(s) for the extension. The application of this deadline may be held in abeyance during such time as the complainant and officer are participating in mediation or the review authority staff determines that an investigation might impede or harm a criminal investigation.~~

Section 11. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.95 to read as follows:

172.95. Investigation review. Within seven (7) days of the date the written summary is submitted, the review authority manager shall review the investigative file and written summary. In conducting the review of the investigation, the review authority manager shall seek input from the complainant advocate. The review authority manager may recommend further investigation that shall be completed within thirty (30) days. In all cases in which no further investigation is

recommended, the review authority manager shall present the case at the next meeting of a hearing panel of the review authority allowing for proper notice to the complainant and the police officer.

Section 12. That Section 172.100 of the above-entitled ordinance be and is hereby repealed.

~~**172.100. Evidentiary hearings.** Upon the completion of the investigation of a complaint, the review authority may dismiss, with the filing of written reasons for the dismissal, the complaint for lack of merit or conduct an evidentiary hearing. At an evidentiary hearing, the review authority shall weigh and consider all reliable and credible evidence presented. The review authority shall make reasonable efforts to commence and complete evidentiary hearings within sixty (60) days of the completion of the investigation. The chairperson of the review authority shall appoint a panel of one (1), three (3), five (5) or seven (7) members to conduct such evidentiary hearing. The chairperson of the review authority shall designate a chairperson of each panel. The executive director shall present evidence to the panel. The employee may present evidence and conduct cross-examination of witnesses. No person other than the director or the employee, or their attorney or agent, may participate in the conduct of the hearing.~~

Section 13. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.100 to read as follows:

172.100. Hearings related to complaints. (a) Upon the completion of the investigation of a complaint, a three (3) member panel of the review authority shall weigh and consider all reliable and credible evidence presented. The review authority shall make reasonable efforts to conduct hearings related to complaints within thirty (30) days of the completion of the investigation.

(b) At the hearing, the review authority manager shall present the investigatory findings of fact and recommendations to the panel. No person other than the review authority manager and the panel members shall be present during the presentation and discussion of the case. At the close of the case presentation, the complainant and the police officer, or their representatives, shall each be permitted ten (10) minutes to address the review authority, in the presence of each other, regarding the complaint.

(c) Within thirty (30) days of the completion of a hearing, the hearing panel shall either remand the complaint to review authority staff for further investigation or issue a written report containing findings of fact and a determination of whether the complaint is sustained. This report shall be made public when permitted by the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes.

(d) Notice.

(1) At least ten (10) days prior to the scheduled hearing, the review authority shall provide written notification to the complainant and the police officer of the date, time and place of the hearing.

(2) The review authority shall provide written notification of the hearing panel's decision to the complainant and officer.

Section 14. That Section 172.110 of the above-entitled ordinance be and is hereby repealed.

~~**172.110. Subpoena power.** The chairperson of the review authority may compel the presence of witnesses and/or documents at evidentiary hearings by applying to the Hennepin County District Court for subpoenas. The chairperson may also apply to the district court to punish a person who disobeys a subpoena obtained at the chairperson's request, in like manner as a contempt proceeding is initiated in Minnesota District Courts. This section shall become effective after charter or legislature authorization.~~

Section 15. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.110 to read as follows:

172.110. Standard of proof. The standard of proof necessary to sustain a complaint is preponderance of the evidence. Preponderance of the evidence means that the greater weight of the evidence supports the decision.

Section 16. That Section 172.120 of the above-entitled ordinance be and is hereby repealed.

~~**172.120. Requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the review authority.** The Minneapolis Police Department and all other City of Minneapolis employees and officials shall, except as expressly~~

prohibited by law, respond promptly to any and all reasonable requests for information, for participation in evidentiary hearings, and for access to data and records for the purpose of enabling the review authority to carry out its responsibilities under this chapter. The failure by any official or employee of the Minneapolis Police Department or by any other City of Minneapolis employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct.

Section 17. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.120 to read as follows:

172.120. Request for reconsideration by complainant. (a) Within five (5) days of receipt of the hearing panel's decision to not sustain a complaint, a complainant may submit a written request for reconsideration to the review authority.

(b) The review authority shall reconsider the complaint at its next regularly scheduled meeting that is not less than ten (10) days after the filing of the request. If the review authority determines that the request for reconsideration alleges newly discovered evidence, the complaint should be remanded to authority staff to investigate and resubmit findings within thirty (30) days. The review authority may sustain or reject the prior hearing panel decision regarding the complaint.

(c) The complainant and the police officer, or their representatives, shall be permitted ten (10) minutes each in the presence of each other to address the review authority regarding the request for reconsideration.

(d) Notice.

(1) The review authority staff shall provide written notification to the officer of the request for reconsideration.

(2) At least ten (10) days prior to the reconsideration hearing, the review authority shall provide written notification to the complainant and the police officer of the date, time and place of the reconsideration hearing.

(3) The review authority shall provide written notification of its reconsideration decision to the complainant and officer.

Section 18. That Section 172.130 of the above-entitled ordinance be and is hereby repealed.

172.130. Findings of fact and determination. Within thirty (30) days of the completion of an evidentiary hearing, the review authority shall issue a written report containing findings of fact and a determination of whether the complaint is sustained. This report shall be made public when permitted by the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes. When a complaint is sustained, the findings of fact and the determination shall be submitted to the chief of police, who shall make a disciplinary decision based upon this information. The chief of police shall provide the review authority and the mayor with a written explanation of the reason(s) for his/her disciplinary decision.

Section 19. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.130 to read as follows:

172.130. Disciplinary decision. (a) Upon conclusion of the hearing and request for reconsideration process, the review authority shall forward the investigatory file, the findings of fact and the panel determination to the chief of police, who shall make a disciplinary decision based upon this information. In all cases where the review authority sustained the complaint, the chief of police shall provide the review authority and the mayor with a written explanation of the reason(s) for that disciplinary decision.

(b) The review authority shall provide notice to the complainant of the final disciplinary decision.

Section 20. That Section 172.140 of the above-entitled ordinance be amended to read as follows:

172.140. Confidentiality. The members, staff, and contractors of the review authority shall comply with all of the provisions of the Minnesota Government Data Practices Act, Chapter 13 of Minnesota Statutes. All members, staff, and contractors of the review authority shall sign a contract agreeing to comply with the provisions of the Minnesota Government Data Practices Act, currently

Chapter 13 of Minnesota Statutes. In return, the city will afford to such member, ~~staff~~, or contractor the same legal protection that any other agent or employee of the city receives who performs duties within the scope of employment.

Section 21. That Section 172.150 of the above-entitled ordinance be and is hereby repealed.

~~**172.150. Notice to parties.** The review authority shall notify the complainant(s) and police officer(s) in a timely fashion of the status or disposition of the complaint in conformance with Chapter 13 of Minnesota Statutes.~~

Section 22. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.150 to read as follows:

172.150. Mediation. (a) The review authority shall inform all complainants and officers of the possibility of mediation as an alternative to the review authority processes.

(b) The review authority manager shall inform the chief of police of a decision to proceed to mediation.

(c) Mediation tolls the timelines established for the review authority investigation and hearing processes.

(d) No record will be made of the mediation proceedings, and no information discussed will be used in subsequent proceedings.

Section 23. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.170 to read as follows:

172.170. Staff. (a) The Minneapolis Department of Civil Rights shall provide staff to support the objectives of this chapter. Review authority staff shall consist of a manager and a community outreach advocate and other positions as necessary.

(b) General duties of the manager. The manager of the review authority shall be an attorney and shall report to the director of the department of civil rights. The manager shall administer the day-to-day operation of the review authority and aid the review authority in carrying out its purpose, including the implementation of a community outreach program.

(c) General duties of the review authority community outreach advocate. The community outreach advocate shall report to the manager of the authority and shall perform administrative duties as assigned including:

(1) Timely and regular communications with complainant from complaint intake through final determination of case.

(2) Consultation with the manager regarding case review process prior to the manager's recommendation of sustained or not sustained.

(3) Implementation of community outreach program.

(d) Firewall. Department of civil rights staff with access to review authority files shall not have access to civil rights investigation files. Department of civil rights staff with access to civil rights investigation files shall not have access to the review authority files. Information from civil rights investigations shall not be shared with staff assigned to the review authority. Information from review authority investigations shall be shared only with staff assigned to the review authority. The director of the department of civil rights shall have an administrative role with regards to the review authority and shall not have access to investigative files of the review authority.

Section 24. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.180 to read as follows: **172.180. Requirement of cooperation by the**

Minneapolis Police Department and all other city employees and officials with the review authority. The Minneapolis Police Department and all other City of Minneapolis employees and officials shall, except as expressly prohibited by law, respond promptly to any and all reasonable requests for information, for participation in hearings, and for access to data and records for the purpose of enabling the review authority to carry out its responsibilities under this chapter. The police officer identified in the complaint shall attend the public portion of the scheduled hearing. The failure by any official or employee of the Minneapolis Police Department or by any other City of Minneapolis employee or official to comply with such requests for information, participation, or access shall be deemed an act of misconduct.

Section 25. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 172.190 to read as follows:

172.190. Complainant's choice. A complainant shall be offered the choice to proceed under this title or go to the Minneapolis Police Department internal affairs division.

Adopted 3/21/03.

Yeas, 8; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Nays - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

Ordinance 2003-Or-029 amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to *Civil Rights: Administration and Enforcement*, amending Section 141.80(b) to include as part of the duties of the Department of Civil Rights the provision of administrative services to the Minneapolis Police Civilian Review Authority, was passed 3/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-029

By Johnson

Intro & 1st Reading: 2/14/03

Ref to: H&HS, PS&RS & W&M/Budget

2nd Reading: 3/21/03

Amending Title 7, Chapter 141 of the Minneapolis Code of Ordinances relating to Civil Rights: Administration and Enforcement.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 141.80 (b) of the above-entitled ordinance be amended to read as follows:

141.80. Department of civil rights.

(b) Duties generally. Such department shall provide all administrative services for the commission and the Minneapolis Police Civilian Review Authority.

Adopted 3/21/03.

Yeas, 8; Nays, 5 as follows:

Yeas - Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Nays - Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR - Your Committee recommends passage of the accompanying resolution endorsing the Mississippi Whitewater Park and Hennepin Island Unified Park Concept, for the area on the east bank of the Mississippi River near St. Anthony Falls.

Adopted 3/21/03.

Resolution 2003R-074, endorsing the concept of a unified park encompassing Hennepin Island and the east side of both Upper and Lower St. Anthony Falls and endorsing seeking state, federal and private funding necessary for the creation of this unified park, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-074

By Benson, Ostrow, Goodman, Johnson Lee, Zerby, Zimmermann

Endorsing the Mississippi Whitewater Park and Hennepin Island Unified Park Concept.

Whereas, the City of Minneapolis ("Minneapolis") supports the revitalization and environmental restoration of the Mississippi River, including the provision of public access to the river and the creation of opportunities for increased recreational use of the Mississippi; and

Whereas, starting with the 1972 *Mississippi/Minneapolis* plan, Minneapolis has supported the development of public parkland at Hennepin Island and along the riverbank adjacent to the Lower St. Anthony Falls Lock and Dam; and

Whereas, conversion of these underused areas to public parkland would help close one of the last remaining gaps in the public greenspace corridor in the Minneapolis Riverfront District and enhance the momentum of historic and recreational opportunities in the district; and

Whereas, taking a unified approach to park development of Hennepin Island and the Mississippi Whitewater Park offers recreational synergy and opportunities for management and operation efficiencies; and

Whereas, a unified park will offer the visitor a seamless recreational experience on the east bank of the riverfront; and

Whereas, the proposed unified park would better position the State of Minnesota to leverage federal funds for the entire project area and would offer the potential of other combined funding opportunities; and

Whereas, the State of Minnesota and the Minneapolis Park and Recreation Board have pursued similar objectives of restoring the environmental functioning of the river and providing increased recreational opportunities; and

Whereas, staff of the Minnesota Department of Natural Resources and members of the Mississippi Whitewater Park Development Corporation have met with representatives of the U.S. Army Corps of Engineers, which has expressed interest in and support of the combined park concept;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council endorses the concept of a unified park encompassing Hennepin Island and the east side of both Upper and Lower St. Anthony Falls, and, further, endorses seeking state, federal and private funding necessary for the creation of this unified park.

Adopted 3/21/03.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Rooftop Inc, dba Marshall Field's Marketplace, 1070 Nicollet Mall, for an On-Sale Liquor Class C-1 with Sunday Sales License (license upgrade from Wine with Strong Beer) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 3/21/03.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of Graves Hospitality Corporation, dba Le Meridien Minneapolis Hotel, 601 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (new business) to expire January 1, 2004, and having held a public hearing thereon, now recommends that said license be granted, subject to prohibiting adult entertainment and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 3/21/03.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of Ruiz-Flores Pedro, dba Cafeteria Las Tapatias, 349 E Lake St, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 3/21/03.

Declining to Vote - Benson.

(Approved by Acting Mayor Ostrow 3/21/03, Published 3/25/03)

PS&RS - Your Committee recommends passage of the accompanying Resolution granting the application of Owens Corning Fiberglass for an Asphalt, Shingles & Roofing Manufacturer License, subject to conditions.

Adopted 3/21/03.

Resolution 2003R-075, granting the application of Owens Corning Fiberglass, 1901 49th Av N, for an Asphalt, Shingles & Roofing Manufacturer License, subject to conditions, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-075

By Niziolek

Granting the application of Owens Corning Fiberglass for an Asphalt, Shingles & Roofing Manufacturer License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That the application of Owens Corning Fiberglass Corp, 1901 49th Av N, for an Asphalt, Shingles & Roofing Manufacturer License be granted, subject to the following conditions:

a. the licensee agrees to install, operate, test and maintain the warning and alarm system for each converter on site according to manufacturer's specifications. Records of testing and maintenance shall be kept on site for five years and be immediately accessible to City staff.

b. the licensee agrees to install, operate, test and maintain an automatic shutoff system that prevents overfilling of each converter. Records of testing and maintenance shall be kept on site for five years and be immediately accessible to City staff.

c. the licensee agrees to install, operate, test and maintain a new overflow system that captures released asphalt and directs it to the ground for collection on each converter on site according to manufacturer's specifications. Records of testing and maintenance shall be kept on site for five years and be immediately accessible to City staff.

d. the licensee will submit to Minneapolis Environmental Management (MEM) a copy of the complete wiring schematic of the above alarm equipment. A system inspection will be conducted by MEM staff within 90 days of license issuance. MEM understands that the information contained in the wiring schematic is proprietary business information and agrees that it will not disclose the information contained in those schematics to any third party without the prior written consent of the company.

e. the licensee agrees to set up a regular maintenance schedule of the equipment described above and to regularly do checks according to manufacturer's specifications.

f. the licensee agrees to maintain its Emergency Action Plan. It will review the written plan annually and update it as needed regarding responses to accidental releases of asphalt or asphalt flux at the plant, and will keep a record of dates and changes made to the document.

g. the licensee will review emergency response procedures and recent changes to procedures relating to accidental releases of asphalt or asphalt flux with all staff annually, and will keep records of staff review including dates. The licensee will develop an emergency action plan regarding such releases for all new employees, and will keep a record of staff training, concerning such releases, including dates.

h. the licensee agrees to post the Minnesota State Duty Officer and Minneapolis emergency response contact information for staff in appropriate locations.

i. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. 3/21/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 3/21/03.

Declining to Vote - Benson.

Resolution 2003R-076, granting applications for Liquor, Wine and Beer Licenses, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-076

By Niziolek

Granting applications for Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2004

Arthurs Riverfront Properties Inc, dba Moose on Monroe, 356 Monroe St;

Off-Sale Beer, to expire April 1, 2004

Skyline Food Market Inc, dba Skyline Food Market, 2400 10th Av S (new proprietor);

Diamond Lake Inc, dba Sullivan's Super Valu, 30 W Lake St;

Diamond Lake Inc, dba Sullivan's Super Value, 501 W Broadway;

A to Z Gas Stop Inc, dba A to Z Gas Stop #2, 800 W Lake St;

Liu Qing & Zhou Fuliang, dba Kyle's Market, 826 W 36th St;

Williams Stephen & Robert, dba Bobby & Steve's Autoworld II, 1221 Washington Av S;

Holiday Stationstores Inc, dba Holiday Stationstore #335, 1301 Industrial Blvd;

Crown Coco Inc, dba Broadway E-Z Stop Store, 1617 Broadway St NE;

Cedar Petroleum Inc, dba Stop-N-Shop, 1700 E Lake St;

Simona Inc, dba Joe's Market & Deli, 1828 Como Av;

Awaijane Assad E, dba B-Line Market, 1901 Fillmore St;

Holiday Stationstores Inc, dba Holiday Stationstore #2, 2124 E Franklin Av;

Morris & Christie Inc, dba Morris & Christie, 3048 Hennepin Av;

A to Z Gas Stop Inc, dba A to Z Gas Stop, 3050 1st Av S;

Mousa Ahmed, dba Fatina Foods, 3246 Nicollet Av;

Holiday Stationstores Inc, dba Holiday Stationstore #25, 5444 Nicollet Av;

Rahn William T, dba Oak Grove Grocery, 218 Oak Grove St;

S-Mart Inc, dba S-Mart Grocery, 324 W 33rd St;

Bauers Food Market Inc, dba City Market, 1240 Hennepin Av;

Hammad Food Inc, dba More Valu Food, 2600 Cedar Av;

Hammad and Carlson Food Inc, dba More Valu II, 2747 Bloomington Av;

Dokken's Inc, dba Dokken's Superette, 2809 E 42nd St;

Obeid Inc, dba Venus Grocery & Deli, 3751 Portland Av;

Reidy Company, dba Reidy's Country Boy, 3904 42nd Av S;

Country Boy Corporation, dba Cedar Country Boy, 4164 Cedar Av;

Taylor-Wood Inc, dba Jubilee Foods, 5025 42nd Av S;

Diamond Lake 1994 LLC, dba Cub Foods, 5937 Nicollet Av.

Adopted 3/21/03.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 3/21/03.

Resolution 2003R-077, granting applications for Business Licenses, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-077

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of March 21, 2003 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 268643):

Laundry; Confectionery; Food Distributor Out of Town; Grocery; Food Manufacturer; Restaurant; Seasonal Short Term Food; Sidewalk Cafe; Heating, Air Conditioning & Ventilating Class A; Lodging House with Boarding; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class B; Pawnbroker Class A; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Steam & Hot Water Systems Installer; Suntanning Facility; Taxicab Vehicle; Taxicab Vehicle - Non-transferable; Tobacco Dealer; Combined Trades; Tree Servicing; Valet Parking; and Wrecker of Buildings Class A.

Adopted 3/21/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 3/21/03.

Resolution 2003R-078, granting applications for Gambling Licenses, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-078

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Lawful Exempt

Goldbrick Club, dba Goldbrick Club, 1811 University Av NE (Raffle April 22, 2003 at Brothers Bar, 432 1st Av N);

Pacer Center Inc, dba Pacer Center Inc, 8161 Normandale Blvd (Raffle May 3, 2003 at Convention Center, 1301 2nd Av S);

Church of St. Anne, dba Church of St. Anne, 2627 Queen Av N (Bingo & Raffle March 16, 2003 at St. Anne's Hall, 2620 Russell Av);

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle May 20, 2003).

Adopted 3/21/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the On-Sale Liquor License held by Nick & Tony's Restaurant.

Adopted 3/21/03.

Declining to Vote - Benson.

Resolution 2003R-079, approving Technical Advisory Committee recommendations relating to the On-Sale Liquor License held by Nick & Tony's Restaurant located at 50 S 6th St, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-079

By Niziolek

Approving Technical Advisory Committee recommendations relating to the On-Sale Liquor License held by Nick & Tony's Restaurant.

Whereas, a Technical Advisory Committee (TAC) hearing was held on February 18, 2003 relating to the On-Sale Liquor Class E with Sunday Sales License held by Nick & Tony's Restaurant, 50 S 6th St, and having received Findings of Fact, Conclusions and Recommendations for failure to comply with the Minneapolis Food Code relating to temperature abuse, lack of hot potable water and follow up documentation on temperature logs, and staff eating in the kitchen area;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk and made a part of this Resolution by reference:

a. the licensee shall maintain proper temperature logs for potentially hazardous foods which shall be held at 41 degrees Fahrenheit or less or greater than 140 degrees Fahrenheit. Logs shall include documentation of corrective actions when these critical control points are out of control. Logs shall be faxed to Environmental Health staff every Monday through March 17, 2003.

b. the licensee shall provide a time/temperature policy by February 24, 2003 for cooking, holding and reheating chicken. If chicken temperatures cannot be maintained safely, the menu item will be discontinued.

c. the licensee shall be responsible for maintaining hot water at a temperature of 110 degrees Fahrenheit at hand sinks, per Code requirement, and adequate quantities of hot water shall be maintained to operate the dish machine. Inadequate hot water needs shall be corrected by proper repair of the existing unit or by installation of a new or additional water heater on or before March 20, 2003.

d. all employees of Nick & Tony's shall attend hand washing training provided by Environmental Health on Thursday, February 20, 2003.

e. the bus boy shall be responsible for monitoring hand sinks for soap, towels and nail brushes in the front of the house, including the bar. The chef shall be responsible for the monitoring of hand sinks for soap, towels and nail brushes in the kitchen.

f. management of Nick & Tony's shall provide adequate space for employee personal items, including jackets, bags, purses and other outerwear. As of February 17, 2003, employees shall only eat in the dining room.

g. management of Nick & Tony's shall provide adequate storage space to store food on shelves six inches off the floor of the walk-in cooler. The licensee shall reduce the menu by 25 items and sauces will be made on site thereby reducing the number of items store in the walk-in cooler.

h. the licensee pay an administrative penalty of \$600 to the City of Minneapolis, of which \$300 shall be stayed on the condition that logs are submitted as prescribed, that hot water is provided per Code requirements, that there are no hand sink violations for one year, and that two subsequent inspections have three or less critical violations.

Adopted 3/21/03.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration all business licenses held by the Minneapolis Food & Dollar Store for the premises located at 1845 Nicollet Av, now recommends approval of the Stipulation of Settlement Agreement (Petn No 268644) to finalize the matter; and that the Administrative Law Judge License hearing be cancelled.

Adopted 3/21/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution defending the Bill of Rights.

Zerby moved that the resolution be referred to the Intergovernmental Relations Committee. Seconded.

Adopted upon a voice vote.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to *Civil Defense and Disaster Relief: Civil Defense*, designating the Fire Chief as the person in the City responsible for emergency preparedness and management activities, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 3/21/03.

Ordinance 2003-Or-030 amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to *Civil Defense and Disaster Relief: Civil Defense*, summarized as follows, was passed 3/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

a. The title of Chapter 128 is being changed from "Civil Defense" to "Emergency Preparedness and Management" to reflect the current terminology in use in the field of emergency preparedness and management.

b. Section 128.10 relating to the declaration of necessity and policy was amended to include a broader purpose of addressing all large-scale disasters and emergencies, regardless of the nature of the emergency, i.e. "natural" or otherwise. To reflect current terminology, the phrase "civil defense emergencies" is amended to "declared emergencies" and the phrase "civil defense functions" to "emergency preparedness and management functions". The term "manpower" was also removed to make the ordinance gender neutral.

c. Section 128.20 relating to definitions was amended to reflect the terminology changes discussed above. The section also amended the phrase "civil defense agency" to the "office of emergency preparedness and management".

d. Section 128.30 relating to the establishment of a City office of civil defense was amended to reflect the terminology changes discussed above. The section was also amended to designate the Fire Chief as the person responsible for the functions and activities in the ordinance. The position of "director" no longer exists in the amended ordinance and is now referred to as the fire chief, and the "director" is no longer appointed by the Mayor with the approval and consent of the City Council.

e. Section 128.40 relating to the transportation of radioactive material in the City was amended to reflect the terminology changes discussed above.

f. Section 128.50 relating to the declaration of an emergency in the City was amended to reflect the terminology changes discussed above, and the phrase "manmade or natural" was removed to broaden the category of emergencies addressed by the ordinance and make the ordinance gender neutral.

g. Section 128.60 relating to the Mayor's authority to proclaim emergency regulations was amended by changing the phrase "meet a civil defense" to "prepare for or manage an emergency". The section was also amended to reflect the terminology changes discussed above.

h. Section 128.70 relating to the posting of emergency regulations in the City was amended to reflect the terminology changes discussed above.

i. Section 128.80 relating to the effective period of emergency regulations was amended by removing the phrase "civil defense" as a qualifier to the term "emergency".

j. Sections 128.90, 128.100 and 128.110 relating to inconsistent rules, mutual aid agreements and resource evaluations, respectively, were amended to reflect the terminology changes discussed above.

k. Section 128.120 was amended by changing the phrase "civil defense plan" to "emergency management plan" to reflect the actual name of the document that is in use in the City and to reflect the current terminology in the field of emergency preparedness and management. The section was also amended to reflect the terminology changes discussed above.

l. Sections 128.130 and 128.140 relating to training and information programs and the use of City personnel and equipment, respectively, were amended to reflect the terminology changes discussed above.

m. Sections 128.150 and 128.160 relating to recruiting and organizing volunteers during a declared emergency were amended to reflect the terminology changes discussed above.

n. Section 128.170 relating to the insignia to be worn by volunteers was amended by removing the provision from the ordinance.

o. Sections 128.180, 128.190, 128.200, 128.210 and 128.220 relating to volunteers carrying firearms, volunteers not under City personnel procedures, emergency facilities, compliance with State regulations and emergency operations centers, respectively, were amended to reflect the terminology changes discussed above.

p. Section 128.230 relating to the oath of employees working in the former civil defense agency was amended by removing the provision from the ordinance.

q. Sections 128.250, 128.260, 128.270, 128.280 and 128.290 relating to the Fire Chief's reports to the City's elected officials, cooperation among City officials and other agencies, provisions regarding special police officers, the nonliability of civil defense workers, and the nonparticipation of the office in political activities, respectively, were amended to reflect the terminology changes discussed above.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-030

By Niziolek

Intro & 1st Reading: 12/30/02

Ref to: PS&RS

2nd Reading: 3/21/03

Amending Title 6, Chapter 128 of the Minneapolis Code of Ordinances relating to Civil Defense and Disaster Relief: Civil Defense.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the title of Chapter 128 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 128. ~~CIVIL DEFENSE~~ EMERGENCY PREPAREDNESS AND MANAGEMENT

Section 2. That Section 128.10 of the above-entitled ordinance be amended to read as follows:

128.10. Declaration of necessity and policy. Because of the existing and increasing possibility of the occurrence of disasters and emergencies of unprecedented size and destruction, and by reason of any natural disturbance or catastrophe, in order to ensure that the preparations of the city will be adequate to deal with such disasters and emergencies, and generally to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of the city, it is hereby found and declared to be necessary:

- (a) To establish a local ~~civil defense agency~~ office of emergency preparedness and management;
- (b) To provide for the exercise of necessary powers during ~~civil defense~~ declared emergencies;
- (c) To provide for the rendering of mutual aid between the city and other political subdivisions of this state and of other states with respect to the carrying out of ~~civil defense~~ emergency preparedness and management functions;

(d) To provide for the promotion and protection of the public health, safety and welfare in the event of ~~natural catastrophes or disturbances~~ declared emergencies.

It is further declared to be the purpose of this chapter and the policy of the city that all ~~civil defense~~ emergency preparedness and management functions of the city be coordinated to the maximum extent practicable with the comparable functions of the federal government, of the State of Minnesota, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's ~~manpower~~, resources and facilities for dealing with any disaster that may occur.

Section 3. That Section 128.20 of the above-entitled ordinance be amended to read as follows:

128.20. Definitions. For the purposes of this chapter, the terms defined in this section shall have the following meanings:

~~Civil defense~~ Emergency preparedness and management. The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, whether caused by enemy attack, sabotage or other hostile action, or by any natural catastrophe or disturbance. These functions shall include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering and warning services, communications, radiological, chemical and other special weapons of defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

~~Civil defense emergency~~ Emergency declaration. An emergency declared by the governor under the Minnesota Statutes, Section 12.31, or where declared as hereinafter provided by the city because of any ~~unprecedented or severe natural catastrophe~~ large-scale or complex emergency.

~~Civil defense forces~~ Emergency preparedness and management forces. ~~Except in a declared emergency,~~ Emergency preparedness and management forces shall mean any personnel employed by the city and assigned by city department heads for service and for specific activities in preparation for ~~civil defense emergency preparedness~~ and any other volunteer or paid member of the ~~civil defense agency office of emergency and preparedness and management~~ engaged in carrying on ~~civil defense emergency preparedness and management~~ functions in accordance with the provisions of this chapter or any rule or order thereunder.

Section 4. That Section 128.30 of the above-entitled ordinance be amended to read as follows:

128.30. Civil defense agency Office of emergency preparedness and management. There shall be, within the executive office of the mayor, a civil defense agency an office of emergency preparedness and management which shall be under the supervision and control of a director of civil defense, hereinafter called the director the chief of the Minneapolis fire department, hereinafter called the fire chief. The mayor, with the approval and consent of the city council, shall have the power to appoint or remove the director. The city council shall determine the salary to be paid to the director and provide for the necessary expenses of the civil defense agency office of emergency preparedness and management. The director fire chief shall have direct responsibility for the organization, administration and operation of the civil defense agency office of emergency preparedness and management, subject to the direction and control of the mayor. The civil defense agency office of emergency preparedness and management shall be organized, consistent with state and city defense emergency management plans, as the director fire chief deems necessary to provide for efficient performance during a local civil defense a declared emergency, to coordinate city planning and preparation for disaster emergency relief, to provide liaison and coordination with federal, state, county and local jurisdictions relative to civil defense emergency preparedness and management activities, and to assure implementation of federal and state civil defense emergency preparedness and management program requirements.

Section 5. That Section 128.40 of the above-entitled ordinance be amended to read as follows:

128.40. Transportation of radioactive material. The director fire chief shall transmit, immediately upon the passage of this section and annually thereafter during the month of December, to the mayor and to the city council an assessment of the adequacy of emergency response

capability, and the safety of the transportation of radioactive material, as defined, licensed and regulated in Title 10 CFR part 71 and 49 CFR parts 171—177, through, into, or out of the City of Minneapolis.

The ~~director~~ fire chief shall make such assessment:

- (1) After consultation and coordination with the owner and/or consignee of the material, the transporter of the material, the health, police, and fire departments of the city, and the State of Minnesota;
- (2) After consideration of the requirements of and certifications to other agencies responsible for the regulation of such transportation and the performance capabilities of the equipment to be utilized; and
- (3) After consideration of the method of transportation to be used, the route or routes of travel, timing, and any unique local features of the route or routes involving potential disturbance to the shipment or susceptibility to harm of the locale or persons nearby.

In such transmittal, the ~~director~~ fire chief shall delineate the resources available for emergency response, the sources of such resources, the training level of the resources, the rapidity of response from each source, the coordination of the responses as planned, and the plans of other agencies, owner, transporter, and the state to respond to any incident.

Section 6. That Section 128.50 of the above-entitled ordinance be amended to read as follows:

128.50. Declaration of emergency. (a) A local emergency may be declared only by the mayor or the mayor's legal successor. It shall not be continued for a period in excess of three (3) days except by or with the consent of the city council, any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed promptly by the city clerk. Whenever in the judgment of the mayor any unprecedented or severe ~~manmade or natural~~ catastrophe or disaster shall warrant it, an emergency may be declared and the provisions of this chapter may be invoked. However, within seventy-two (72) hours after such declaration of emergency, a regular meeting or special meeting of the city council shall be called for the ratification of such emergency declaration, and if such emergency declaration is not approved at this city council meeting, or is disapproved at any subsequent city council meeting, it shall terminate forthwith.

(b) During any such emergency the mayor shall have the further authority to impose curfew hours on public streets or other public places, the closing of businesses that sell guns or materials such as dynamite or gasoline that could be converted easily to explosives, and the closing of liquor stores, bars and 3.2 beer taverns.

(c) Any declaration or emergency may be limited by the mayor so as to initiate only the curfew and closing of businesses provisions of this chapter and such portions of the ~~civil defense~~ emergency management plan which are deemed necessary to meet the particular emergency.

Section 7. That Section 128.60 of the above-entitled ordinance be amended to read as follows:

128.60. Mayor may proclaim emergency regulations. Whenever necessary to meet a civil defense prepare for or manage an emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor or the city council, the mayor, by proclamation, may promulgate regulations, consistent with applicable federal or state law or regulation, respecting: Protection against enemy attacks; the sounding of warning devices; the conduct of persons and the use of property during alarms; the repair, maintenance and safeguarding of essential public services; emergency health, fire and safety regulations; trial drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health and welfare in civil defense declared emergencies. No regulation governing observation of enemy aircraft, enemy attack, alarms or illumination during enemy attacks shall be adopted or take effect unless approved by the state director, division of emergency services, department of public safety.

Section 8. That Section 128.70 of the above-entitled ordinance be amended to read as follows:

128.70. Posting emergency regulations. Every proclamation of emergency regulations shall be in writing and signed by the mayor, shall be dated, shall refer to the particular civil defense emergency to which it pertains, if so limited, and shall be filed in the office of the city clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulations and its availability for inspection at the clerk's office shall be

conspicuously posted at the front of the city hall or other headquarters of the city and at such other places in the affected area as the mayor shall designate in the proclamation. Thereupon, the regulations shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation, the mayor may modify or rescind any such regulations.

Section 9. That Section 128.80 of the above-entitled ordinance be amended to read as follows:

128.80. Effective period of emergency regulations. The city council may rescind any such regulations at any time. If not sooner rescinded, every such regulation shall expire at the end of thirty (30) days after its effective date or at the end of ~~the civil defense~~ emergency to which it relates, whichever occurs first.

Section 10. That Section 128.100 of the above-entitled ordinance be amended to read as follows:

128.100. Mutual aid agreements. The ~~director fire chief~~, with the consent of the mayor, shall represent the city on any regional or state organization for ~~civil defense~~ emergency preparedness and management. The ~~director fire chief~~ shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal ~~civil defense aid and~~ emergency preparedness and management assistance in ~~a civil defense an~~ emergency too great to be dealt with unassisted, and shall present such agreements to the city council for its approval or disapproval.

Section 11. That Section 128.110 of the above-entitled ordinance be amended to read as follows:

128.110. Surveys of manpower, resources. The ~~director fire chief~~ shall make such studies and surveys of the ~~manpower~~, industries, resources and facilities of the city ~~as he deems~~ necessary to determine their adequacy for ~~civil defense~~ emergency preparedness and management and to plan for their most efficient use in time of ~~a civil defense~~ declared emergency.

Section 12. That Section 128.120 of the above-entitled ordinance be amended to read as follows:

128.120. ~~Civil defense~~ Emergency management plan. The ~~director fire chief~~ shall prepare a comprehensive general emergency management plan for the ~~civil~~ defense of the city, and for relief from any ~~natural catastrophe~~ emergency, and shall present such plan to the council for its approval. When the council has approved the plan by resolution, all city departments and agencies and all ~~civil defense~~ emergency preparedness and management forces of the city shall perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The ~~director fire chief~~ shall coordinate the ~~civil defense~~ emergency preparedness and management activities of the city to the end that they shall be consistent and fully integrated with the ~~civil defense plan~~ emergency management plans of the federal government, ~~and~~ the state and ~~correlated with the civil defense plans of~~ other political subdivisions within the state.

Section 13. That Section 128.130 of the above-entitled ordinance be amended to read as follows:

128.130. Training and information programs. In accordance with the state and the city ~~civil defense~~ emergency management plans, the ~~director fire chief~~ shall institute such training programs and public information programs, and shall take all other preparatory steps, ~~including the partial or full mobilization of civil defense forces in advance of actual disaster,~~ as may be necessary to the prompt and effective operation of the city ~~civil defense~~ emergency management plan in time of ~~a civil defense~~ declared emergency. The ~~director fire chief~~ may, from time to time, conduct such tests of warning devices as ~~the director may deem~~ necessary.

Section 14. That Section 128.140 of the above-entitled ordinance be amended to read as follows:

128.140. Use of city personnel and equipment. The director fire chief shall use the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the civil defense agency office of emergency preparedness and management and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the director fire chief, shall be responsible for the planning and programming of such civil defense emergency preparedness and management activities as will involve the utilization of the facilities of his each department or agency.

Section 15. That Section 128.150 of the above-entitled ordinance be amended to read as follows:

128.150. Volunteers generally. The ~~director fire chief, in cooperation with existing city departments and agencies affected, shall~~ may organize, recruit and train police reserve, fire reserves, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the ~~civil defense plans~~ emergency management plan of the city ~~and the state~~. To the extent that such emergency personnel are recruited to augment a regular city department or agency ~~for civil defense emergencies~~, it shall be assigned to such department or agency for purposes of administration and command. The ~~director fire chief~~ may dismiss any ~~civil defense~~ volunteer at any time and require the volunteer to surrender any equipment and identification furnished by the city.

Section 16. That Section 128.160 of the above-entitled ordinance be amended to read as follows:

128.160. When call of volunteers authorized. ~~Civil defense~~ Volunteers shall be called into service only in case of a ~~civil defense~~ declared emergency for which the regular city forces are inadequate, or for necessary training and preparation for such emergencies, or when deemed necessary by the mayor to carry out the provisions of this chapter relating to ~~relief from natural catastrophes or disturbances~~ the management of emergencies.

Section 17. That Section 128.170 of the above-entitled ordinance be and is hereby repealed.

128.170. Identifying insignia of volunteers. ~~Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the director. Such identification shall be in a form and style approved by the federal government. No volunteer shall exercise any authority over the persons or property of others without such identification. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent oneself to be an authorized volunteer.~~

Section 18. That Section 128.180 of the above-entitled ordinance be amended to read as follows:

128.180. Volunteers carrying firearms. No ~~civil defense~~ volunteer shall carry any firearm while on duty except on written order of the chief of police.

Section 19. That Section 128.190 of the above-entitled ordinance be amended to read as follows:

128.190. Volunteers not under city personnel procedures. Personnel procedures of the city applicable to regular employees shall not apply to volunteers. ~~civil defense workers.~~

Section 20. That Section 128.200 of the above-entitled ordinance be amended to read as follows:

128.200. Emergency facilities. Consistent with the ~~civil defense~~ emergency management plan, the ~~director fire chief~~ shall provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers and other facilities or conveyances for the care of injured or homeless persons.

Section 21. That Section 128.210 of the above-entitled ordinance be amended to read as follows:

128.210. Compliance with state regulations. The ~~director fire chief~~ shall carry out all orders, rules and regulations issued by the governor with reference to ~~civil defense~~ emergency preparedness and management. The ~~director fire chief~~ shall direct and coordinate the general operation of all city ~~civil defense forces~~ emergency preparedness and management resources during ~~a civil defense~~ an emergency in conformity with controlling regulations and instructions of state civil defense authorities. The heads of departments and agencies shall be governed by the ~~director's~~ fire chief's orders in respect thereto.

Section 22. That Section 128.220 of the above-entitled ordinance be amended to read as follows:

128.220. Control Emergency operation centers. Consistent with the civil defense emergency management plan, the director fire chief shall provide and equip at some suitable place in the city a control an emergency operation center and, if required by the state civil defense emergency management plan, an auxiliary control emergency operation center to be used during a civil defense

declared emergency as headquarters for direction and coordination of civil defense forces emergency management activities. The director fire chief shall arrange for representation at the control emergency operation center by city departments and agencies authorized by federal or state authority to carry on civil defense emergency management activities during a civil defense emergency. The director fire chief shall arrange for the installation at the control emergency operation center of necessary facilities for communication between heads of departments and agencies, the civil defense agency office of emergency preparedness and management, the stations and operating units of city services and other agencies concerned with civil defense emergency preparedness and management, and for communication with other communities and control emergency operation centers within the surrounding area and with the federal and state agencies concerned.

Section 23. That Section 128.230 of the above-entitled ordinance be and is hereby repealed:

128.230. Oath of workers. Each person who is appointed to serve in the civil defense agency shall, before entering upon his duties, take an oath in writing as prescribed by Minnesota Statutes, Section 12.43.

Section 24. That Section 128.250 of the above-entitled ordinance be amended to read as follows:

128.250. Director Fire chief's report. The director fire chief shall prepare and submit such reports on civil defense the activities of the office of emergency preparedness and management as may be requested by the mayor or the city council.

Section 25. That Section 128.260 of the above-entitled ordinance be amended to read as follows:

128.260. Cooperation of city officials, agencies. Every officer and agency of the city shall cooperate with federal and state authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their other duties. The provisions of this chapter and of all regulations made thereunder shall be subject to all applicable and controlling provisions of federal and state laws and of regulations and orders issued thereunder, and shall be deemed to be suspended and inoperative so far as there is any conflict therewith.

Section 26. That Section 128.260 of the above-entitled ordinance be amended to read as follows:

128.270. Special police officer. The mayor may appoint any qualified person holding a position in the civil defense agency office of emergency preparedness and management or in any other agency created under federal or state authority for civil defense emergency management purposes as a special police officer of the city, with such police powers and duties within the city incident to the functions of the position, not exceeding those of a regular police officer of the city, as may be prescribed in the appointment. Every such special police officer shall be subject to the supervision and control of the chief of police and such other police officers of the city as the police chief may designate.

Section 27. That Section 128.280 of the above-entitled ordinance be amended to read as follows:

128.280. Nonliability of civil defense workers. All functions under this chapter and all other activities relating to civil defense emergency preparedness and management shall be governmental functions. The city and, except in cases of willful misconduct, its officers, agents, employees or representatives engaged in civil defense emergency preparedness and management activities, while complying with or attempting to comply with the Minnesota Civil Defense Act of 1951 as amended or with this chapter or any rule, regulation or order made thereunder, all applicable laws, rules, orders or regulations shall not be liable for the death of or injury to persons, or damage to property, as a result of such activity. The provisions of this section shall not affect the right of any officer or employee of the city to receive benefits to which such officer or employee would otherwise be entitled under this chapter or under the workers' compensation law, or under any pension law.

Section 28. That Section 128.290 of the above-entitled ordinance be amended to read as follows:

128.290. Agency Office of emergency preparedness and management not to participate in certain activities. The ~~civil defense agency~~ office of emergency preparedness and management shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

Adopted 3/21/03.

PS&RS - Your Committee, to whom was referred an ordinance amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Fire*, designating the Fire Chief as the person in the City responsible for managing the Office of Emergency Preparedness and Management (formerly the Office of Civil Defense), now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 3/21/03.

Ordinance 2003-Or-031 amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Fire*, amending Section 173.20(c) to designate the Chief of the Fire Department as the person in the City responsible for managing the office of emergency preparedness and management (formerly the office of civil defense) as set forth in Minneapolis Code of Ordinances Chapter 128, was passed 3/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-031
By Niziolek
Intro & 1st Reading: 12/30/02
Ref to: PS&RS
2nd Reading: 3/21/03

Amending Title 9, Chapter 173 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Fire.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 173.20 of the above-entitled ordinance be amended by adding thereto a new subdivision (c) to read as follows:

173.20. Powers and duties of chief generally.

(c) The chief shall be responsible for managing the office of emergency preparedness and management, set forth in M.C.O. Ch.128, including all of the obligations and tasks set forth in M.C.O. Ch.128 and the development and implementation of the city's emergency management plan.

Adopted 3/21/03.

PS&RS - Your Committee recommends passage of the accompanying Resolution urging the speedy commencement of the Mediation Process.

Adopted 3/21/03.

Yeas, 12; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Lane.

Resolution 2003R-080, urging the speedy commencement of the Mediation Process, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-080

By Zerby and Johnson

Urging the speedy commencement of the Mediation Process.

Whereas, the City Council of the City of Minneapolis voted November 22, 2002 to proceed with mediation; and

Whereas, members of the community have expressed concerns about the process of mediation; and

Whereas, the Council believes events need to happen before we can proceed with successful, meaningful mediation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Police Department and community proceed with mediation provided that the following conditions have been met by April 18th:

1. The writ of mandamus must be dropped;
2. Some recognized, credible community organizations must be at the mediation sessions to sign off on any agreement;
3. The federal mediator agrees to these conditions;
4. Upon completion of the above three conditions, the City Council and the Mayor will direct Chief Olson to participate in the mediation.

Adopted 3/21/03.

Yeas, 12; Nays, 1 as follows:

Yeas - Niziolek, Benson, Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Lane.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to:

a. accept a 2003 Drug Task Force Grant award of \$300,000 and to execute a grant agreement with the Minnesota Department of Public Safety - Office of Drug Policy and Violence Prevention to fund overtime, training and equipment to the Police Department to combat sales and production of drugs. The Police Department shall contribute \$60,000 in matching funds for the grant from the Police Special Revenue Fund.

b. execute a sub-recipient contract with the Hennepin County Sheriff, in the amount of \$78,800 to share the Task Force funding.

c. passage of the accompanying Resolution appropriating \$300,000 to the Police Department.

Adopted. 3/21/03.

Approved by Acting Mayor Ostrow 3/21/03. (Published 3/25/03; Republished 4/2/03).

RESOLUTION 2003R-081

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C003) by \$300,000 and increasing the Revenue Source (030-400-C003 - Source 3210) by \$300,000.

Adopted 3/21/03.

Approved by Acting Mayor Ostrow 3/21/03. (Published 4/2/03)

PS&RS & W&M/Budget - Your Committee recommends passage of the accompanying Resolution appropriating \$20,000 to the Police Department to reflect receipt of funds received from the Minnesota Bureau of Criminal Apprehension for overtime costs associated with the homicide investigations of Tyesha Edwards and Laura Ann Lamotte.

Adopted 3/21/03.

RESOLUTION 2003R-082

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-C013) by \$20,000 and increasing the Revenue Source (060-400-C013 - Source 3215) by \$20,000.

Adopted 3/21/03.

PS&RS & W&M/Budget - Your Committee recommends approval of a multi-tier fee structure for query only Automated Pawn System subscribers, as set forth in Petn No 268647 on file in the Office of the City Clerk.

Adopted 3/21/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept the following donations to the Minneapolis Fire Department for the purchase of a CairnsIRIS Thermal Imaging System:

- a. 3M Personal Safety Division, in the amount of \$250;
- b. Rudolphs Bar B Que, in the amount of \$620;
- c. Michelle Hempel, in the amount of \$25.

Your Committee further recommends passage of the accompanying Resolution appropriating \$895 to the Fire Department.

Adopted 3/21/03.

RESOLUTION 2003R-083

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$895 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$895.

Adopted 3/21/03.

PS&RS & W&M/Budget - Your Committee recommends acceptance of only bid received on OP #6005 (Petr No 268648) submitted by Streicher's, for an estimated expenditure of \$135,000, for furnishing and delivering Federal Brand ammunition for the Police Department as needed through December 31, 2003, all in accordance with City specifications. Vendor offers to extend terms and conditions for an additional 12-month period at the sold option of the City of Minneapolis.

Adopted 3/21/03.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept the recommendation of the Groundwork Minneapolis Steering Committee to establish a Groundwork USA Trust in Minneapolis and accept the remaining \$90,000 grant from the United States Environmental Protection Agency and the National Park Service. By accepting these

funds, the City agrees to provide office space, one-quarter staff time of an environmental inspector, and \$25,000 for the first year of operation. Further, passage of the accompanying Resolution appropriating \$90,000 to the Licenses & Consumer Services Agency.

Adopted 3/21/03.

RESOLUTION 2003R-084

By Niziolek and Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Federal Fund (030-835-8396) by \$90,000 and increasing the Revenue Source (030-835-8396 - Source 3210) by \$90,000.

Adopted 3/21/03.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee recommends that the proper City officers be authorized to submit a letter to the Metropolitan Council (Petn No 268650) requesting that Van White Memorial Blvd between Glenwood Av and Dunwoody Blvd be changed in the Met Council Functional Classification System from a major collector street to a B-Minor Arterial street, and that the City's classification system be changed accordingly.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW - Your Committee recommends passage and summary publication of the accompanying Resolution designating the locations and streets to be improved in the University East Street Renovation Project.

Adopted 3/21/03.

Absent - Zimmermann.

Resolution 2003R-085, designating the locations and improvements proposed as a part of the University East Street Renovation Project, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-085

By Colvin Roy

**University East Street Renovation Project,
Special Improvement of Existing Street No 2986**

Designating the improvement of certain existing streets at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within The City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by mill and overlay of street surface with plant mix asphalt and selected curb and gutter and other paving related improvements as needed:

University East Street Renovation (2986)

5th St SE, 6th St SE and 7th St SE from 9th Av SE to 15th Av SE;
9th Av SE from 5th St SE to 7th St SE;
11th Ave SE, 12th Av SE and 13th Av SE from University Ave SE north to the RR right of way; and
14th Av SE from 5th St SE north to the RR right of way.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW – Your Committee, having received a cost estimate of \$1,560,000 for street renovation improvements and a list of benefited properties for certain locations in the University East Street Renovation Project, Special Improvement of Existing Street No. 2986, as designated by Resolution 2003R-085 passed March 21, 2003, now recommends that the City Engineer be directed to prepare a proposed Street Renovation Special Improvement Assessment against the list of benefited properties by applying the 2003 Uniform Assessment Rates as per Resolution 2002R-422, passed November 8, 2002.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on April 22, 2003 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated renovation locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW - Your Committee recommends that the proper City officers be authorized to execute Change Order #1 to Agreement #18429 with Summit Fire Protection for a sprinkler system at Centre Village Parking Ramp, increasing the amount by \$4,950 for a revised amount of \$64,450 due to the additional work needed (per fire marshal inspector), with no additional appropriation required.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW - Your Committee recommends passage and summary publication of the accompanying Resolution designating the location and streets to be improved in the Nicollet Avenue South (46th Street West to Minnehaha Parkway) Reconstruction Project.

Benson moved that the resolution be amended by adding the following language:

“Be It Further Resolved that the layout of the sidewalks, boulevards, and landscaping are still subject to discussion and Council action.”

Seconded.

Adopted upon a voice vote.

The report, with the resolution amended, was adopted 3/21/03.

Resolution 2003R-086, designating the locations and improvements proposed as a part of the Nicollet Avenue South (46th Street West to Minnehaha Parkway) Reconstruction Project, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-086

By Colvin Roy

**Nicollet Avenue South (46th Street West to Minnehaha Parkway)
Reconstruction Project,
Special Improvement of Existing Street Number 6694**

Designating the improvement of certain existing streets at the location described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within The City of Minneapolis are hereby designated to be improved, pursuant to the provision of Chapter 10, Section 6 of the Minneapolis City Charter, by paving with plant mix asphalt with concrete curb and gutter all on a stabilized base and including other street paving related improvements as needed:

Nicollet Av S (6694)

Nicollet Avenue South from 46th Street West to Minnehaha Parkway.

Be It Further Resolved that the layout of the sidewalks, boulevards, and landscaping are still subject to discussion and Council action.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW - Your Committee, having received a cost estimate of \$ 3,796,000 for street reconstruction improvements and a list of benefited properties for the Nicollet Avenue South (46th Street West to Minnehaha Parkway) Reconstruction Project, Special Improvement of Existing Street Number 6694, as designated by Resolution 2003R-086, passed March 21, 2003, now recommends that the City Engineer be directed to prepare a proposed Street Reconstruction Special Improvement Assessment against the list of benefited properties by applying the 2003 Uniform Assessment Rates as per Resolution 2002R-422 passed November 8, 2002.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on April 22, 2003, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated project and to consider the amount of proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW - Your Committee recommends that the proper City officers be authorized to execute Change Order #1 to Contract #C-18699 with Simplex Grinnell LP for replacing the fire alarm/evacuation system for the Public Service Center increasing the amount by \$ 38,025 for a revised amount of \$162,385 due to changes in the project scope, with no additional appropriation required.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW - Your Committee, having under consideration reconstruction of East 38th Street from 23rd to 30th Avenues South, now recommends approval of the layout #2, revised January 31, 2003 for said project, as set forth in Petn No 268650 on file in the Office of the City Clerk.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW - Your Committee, to whom was referred back from Council on February 28, 2003 a report relating to the Neighborhood Clean Sweep Program, now recommends that the Division of Solid Waste & Recycling refocus the emphasis of neighborhood clean sweeps to support and encourage citizen and neighborhood participation in anti-litter cleanups, beautification and other programs that will enhance neighborhood livability.

Adopted 3/21/03.

Absent - Zimmermann.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends passage and summary publication of the accompanying Resolution ordering the work to proceed and adopting the special assessments for the 43rd Street East and Park Avenue South (Flood Mitigation Basin) Street Renovation Project.

Adopted 3/21/03.

Absent - Zimmermann.

Resolution 2003R-087, ordering the work to proceed and adopting the special assessments for the 43rd Street East and Park Avenue South (Flood Mitigation Basin) Street Reconstruction Project, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTON 2003R-087
By Colvin Roy and Johnson

43rd Street East and Park Avenue South (Flood Mitigation Basin)
Street Renovation Project
Special Improvement of Existing Street No. 2212

Ordering the work to proceed and adopting the special assessments for the 43rd Street East and Park Avenue Street Renovation Project.

Whereas, a public hearing was held on March 4, 2003, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2003R-022, passed January 31, 2003 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2003R-022, passed January 31, 2003.

Be It Further Resolved that the proposed special assessments in the total amount of \$53,121.94 for the 43rd Street East and Park Avenue South Street Renovation Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the 43rd Street East and Park Avenue South Street Renovation Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at then (10) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2004 real estate tax statements.

Adopted 3/21/03.

Absent - Zimmermann.

Resolution 2003R-088, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$53,200 for certain purposes other than the purchase of public utilities, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-088
Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$53,200 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 43rd Street East and Park Avenue South (Flood Mitigation Basin) Street Renovation Project, Special Improvement of Existing Street No. 2212, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW & W&M/Budget – Your Committee recommends passage and summary publication of the accompanying Resolution ordering the work to proceed and adopting the special assessments for the South Linden Hills Street Renovation Project.

Adopted 3/21/03.

Absent - Zimmermann.

Approved by Acting Mayor Ostrow 3/21/03. (Published 3/25/03; Republished 4/2/03).

Resolution 2003R-089, ordering the work to proceed and adopting the special assessments for the South Linden Hills Street Renovation Project, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk. (Republished 4/2/03).

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-089
Colvin Roy and Johnson

South Linden Hills Street Renovation Project
Special Improvement of Existing Street No. 2964

Ordering the work to proceed and adopting the special assessments for the South Linden Hills Street Renovation Project.

Whereas, a public hearing was held on March 4, 2003, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2003R-023, passed January 31, 2003 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2003R-023, passed January 31, 2003.

Be It Further Resolved that the proposed special assessments in the total amount of \$1,022,319.24 for the South Linden Hills Street Renovation Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the South Linden Hills Street Renovation Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at then (10) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2004 real estate tax statements.

Adopted 3/21/03.

Absent - Zimmermann.

Approved by Acting Mayor Ostrow 3/21/03

Resolution 2003R-090, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$1,022,500 for certain purposes other than the purchase of public utilities, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk. (Published 4/2/03).

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-090
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,022,500 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the South Linden Hills Street Renovation Project, Special Improvement of Existing Street No. 2964, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 3/21/03.

Absent - Zimmermann.

Approved by Acting Mayor Ostrow 3/21/03

T&PW & W&M/Budget - Your Committee, having been informed that the City has received a petition from Kenwood Crest LLC requesting installation of a public sanitary sewer in Kenwood Parkway from Morgan Avenue South to former Newton Avenue South (Sewer Project No. 4340), now recommends passage and summary publication of the accompanying Resolutions:

- a) Designating the sanitary sewer work, adopting special assessments and ordering the work to proceed for the Kenwood Pkwy Sanitary Sewer Project;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds for the project; and
- c) Increasing the appropriation for the project by \$51,152.

Adopted 3/21/03.

Absent - Zimmermann.

Resolution 2003R-091, designating the sanitary sewer work, adopting special assessments and ordering the work to proceed for the Kenwood Pkwy Sanitary Sewer Project, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-091
By Colvin Roy and Johnson**

Kenwood Pkwy Sanitary Sewer Project No. 4340

Designating the sanitary sewer work, adopting special assessments and ordering the work to proceed for the Kenwood Pkwy Sanitary Sewer Project No. 4340.

Whereas, Kenwood Crest LLC, a Minnesota limited liability company, has developed and is constructing an eight (8) unit residential planned community known as "Kenwood Crest" that is located along the NWly side of Kenwood Pkwy in the vicinity of former Newton Av S; and

Whereas, the said Kenwood Crest LLC has petitioned The City of Minneapolis to install a public sanitary sewer in Kenwood Pkwy; and

Whereas, the cost estimate for the public sanitary sewer is \$102,000; and

Whereas, the City's portion of the costs for the public sanitary sewer is \$50,848, as described in Petn No 268651 on file in the Office of the City Clerk; and

Whereas, the said Kenwood Crest LLC is the fee simple owner of Lots 1 and 2, Block 1, Kenwood Crest; and

Whereas, the said Kenwood Crest LLC has requested that the assessed costs of \$51,152 for the public sanitary sewer be apportioned to the said Lots 1 and 2 on an "equal shares" basis of \$25,576 to each said lot; and

Whereas, the said Kenwood Crest LLC has granted a waiver of its rights to a project approval public hearing, a special assessment public hearing and to appeal the special assessments to District Court;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following existing street within the City of Minneapolis is hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by installing a public sanitary sewer together with all the necessary appurtenances and work related thereto:

Kenwood Pkwy from approx the centerline of Morgan Av S to approx former Newton Av S (as more particularly described and shown in the plans on file in the Office of the City Engineer).

Be It Further Resolved that the City's portion of the costs for the public sanitary sewer in the amount of \$50,848 be paid from the PW - Sewer Construction Capital Agency in the Sewer Enterprise Fund (7300-932-9322-SW001).

Be It Further Resolved that the special assessments in the total amount of \$51,152 be and hereby are adopted and assessed against the benefited properties (aforesaid Lots 1 and 2 as identified in the aforesaid Kenwood Crest LLC's petition).

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as other assessed construction with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the City Engineer is hereby ordered to proceed and do the work.

Adopted 3/21/03.

Absent - Zimmermann.

Resolution 2003R-092, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$51,200 for certain purposes other than the purchase of public utilities, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-092
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$51,200 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of sanitary sewer improvements in the Kenwood Pkwy Sanitary Sewer Project No 4340 to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 3/21/03.

Absent - Zimmermann.

RESOLUTION 2003R-093
By Colvin Roy and Johnson

Amending the 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - Sewer Construction Capital Agency in the Sewer Enterprise Fund (7300-932-9322-SW001) by \$51,152 and increasing the revenue source (7300-932-9322-Source 3880) by \$51,152.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petn No 268651):

a) OP #6017, only bid meeting specifications of CDS Technologies, Inc. in the amount of \$94,400 for furnishing and delivering a grit removal structure;

b) OP #6011, low bids as follows to accomplish disposal of waste and construction debris as needed through December 31, 2003:

- Veit Disposal Systems for an estimated annual expenditure of \$8,300; and

- Onyx Environmental for an estimated annual expenditure of \$167,000.

Your Committee further recommends that the proper City officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications, contingent on approval of the Civil Rights Department.

Adopted 3/21/03.

Absent - Zimmermann.

T&PW & W&M/Budget - Your Committee, having under consideration the Equipment Division appropriation increase for fire vehicles, now recommends passage and summary publication of the accompanying resolutions:

a) Increasing the Equipment Division appropriation by \$3,430,000 for the purpose of purchasing additional fire apparatus;

b) Requesting the Board of Estimate and Taxation to issue and sell bonds, in the amount of \$3,430,000; and

c) Pursuant to IRS Treasury Regulations Section 1.150-2, declaring the City of Minneapolis's official intent to reimburse the expenditures related to the purchase of the fire apparatus from the proceeds of tax exempt debt of the City.

Benson moved that the report be referred back to the Transportation and Public Works Committee. Seconded.

Adopted upon a voice vote.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends that the accompanying ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Job Bank, by changing Job Bank eligibility and benefit, be given its second reading for passage and summary publication.

Adopted 3/21/03.

Approved by Acting Mayor Ostrow 3/21/03. (Published 3/25/03)

Ordinance 2003-Or-032 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, Article XI Job Bank, by further restricting the class of employees that the terms of job bank ordinance apply to, reducing the amount of time an employee can be tenured in the job bank, by changing job bank eligibility calculations and process and by providing different benefits to employees whose positions are eliminated but not as a normal consequence of the City's annual budget process, was passed 3/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-032

By Johnson

Intro & 1st Reading: 2/28/03

Ref to: W&M/Budget

2nd Reading: 3/21/03

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, Article XI Job Bank.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 20.810 of the above-entitled ordinance be amended to read as follows:

20.810. Job bank established. There shall be established in the City of Minneapolis a job bank committee to supervise the job bank program and to be chaired by the city coordinator. ~~The job bank committee shall be comprised of the city coordinator, city engineer, planning director, police chief, finance officer and a labor representative. Personnel to manage and operate the job bank shall be supplied by the office of the city coordinator, personnel department and other city departments as required.~~ The city coordinator shall appoint five (5) city employees to serve on the job bank committee, including one (1) labor representative. One (1) employee from the finance department and one (1) employee from the human resources department will staff the job bank committee. The city coordinator shall establish sub-committees, work groups or task forces as necessary to operate the job bank in conformity with the purpose and intent of this article. The city council shall appropriate all funding necessary to accomplish the goals of this article

Section 2. That Section 20.820 of the above-entitled ordinance be amended to read as follows:

20.820. Purpose and intent. It is the purpose and intent of the city in establishing the job bank program by this article to provide the information, options, and assistance to classified city employees, ~~except sworn personnel of the fire and police departments,~~ under council jurisdiction whose jobs are eliminated as a result of restructuring or economic considerations, so that employees can make informed choices about their future with the city, and at the same time, utilize the competencies of city employees whenever possible in staffing vacant city positions. This program shall replace the unassigned workers program.

It is also the purpose and intent of the city in establishing the job bank program to assist ~~permanent certified and appointed employees, except for sworn personnel of the fire and police departments, classified city employees~~ who work under council jurisdiction and are injured in the course and scope of employment, by providing job bank services to injured employees when they are unable to return to their pre-injury job as a result of permanent work restrictions attributable to their work injury.

Unclassified or appointed employees, sworn employees in the fire department, sworn employees in the police department, and temporary or seasonal employees shall not be entitled to any of the provisions of this ordinance or of the job bank program.

Section 3. That Section 20.830 of the above-entitled ordinance be and is hereby repealed.

~~**20.830. Job bank start up.** The job bank for employees whose jobs are eliminated shall be fully operational within one (1) calendar week after the mayor's budget message.~~

~~The job bank for employees injured on the job shall be fully operational by February 1, 1997.~~

Section 4. That Section 20.850 of the above-entitled ordinance be amended to read as follows:

20.850. Procedure. Job bank procedures - restructuring/economic component.

(a) The provisions of subdivisions (a)(1) to (a)(5) shall only apply to employees whose jobs are eliminated as a result of restructuring or economic considerations.

(1) *Advance notice of position elimination.* Once a position has been identified to be eliminated, an advance notice of position elimination shall be given to the affected employee consistent with section 20.850(a)(2) of this ordinance. ~~The notice shall be given to the affected employee at least one hundred twenty (120) calendar days prior to the actual elimination of the position.~~ The notice may inform the employee of the options, training assistance, and out placement services available to that employee. If a position is to be eliminated in any department, the employee with the least amount of seniority in the particular job class will be placed in the job bank, regardless of performance, assignment, function or other consideration.

(2) *Tenure in job bank.* Once an affected employee is given the advance notice of position elimination provided by this article, that employee shall begin ~~the employee's one hundred twenty (120) their~~ day tenure in job bank. All attempts shall be made to place the job bank employee into a vacant city position. ~~If during this one hundred twenty (120) period the job bank tenure~~ the employee is not able to exercise displacement or bumping rights and has not been placed in another city position, the employee shall be laid off and placed on the appropriate layoff list with all rights as ~~enumerated by the appropriate bargaining unit contract and/or civil service rules.~~ pursuant to the relevant collective bargaining agreements, if any, and all applicable civil service rules.

Employees whose positions have been eliminated based on the city's regular annual budget process, including the mayor's proposed budget and/or the final annual city budget as passed by the city council, or as otherwise ordered by the city council, are entitled to a sixty (60) day tenure in the job bank. All positions eliminated based on the mayor's proposed budget and/or the final annual city budget as passed by the city council must be so eliminated after the mayor's proposed budget is announced but no later than January 1 of the next budget cycle.

Employees whose positions have been eliminated based on any mid-cycle budget or revenue reductions not controlled by the mayor and the city council, are entitled to a thirty (30) day tenure in the job bank.

- (3) *Job bank programs.* Each employee in job bank shall, to the extent feasible work with a placement coordinator and shall, upon request of the employee, receive skills assessment, training or retraining, assistance in finding a vacant position within the city or, finally, out placement assistance. These services shall be provided to the job bank employee at no cost to the employee.
- (4) *Displacement and bumping.* Job bank employees who have displacement or bumping rights may exercise those rights ~~only after being in job bank in order that they may be placed in a vacant position immediately.~~ immediately. No denial of displacement or bumping rights

shall be allowed once the employee's job has been actually eliminated.

- (5) *Displaced employees in job bank.* All employees of the city who are notified of the pending elimination of their position by the provisions of this article shall be placed into job bank, pursuant to the provisions of this ordinance. All employees while in the job bank shall retain their job title, salary, benefits and representation, if any, during their tenure in the job bank. While in job bank the ~~employees~~ Employees in the job bank will continue their job duties while being but will be allowed some a reasonable amount of paid time off to engage in job bank programs, training and out placement, for examples.

Section 5. That Section 20.860 of the above-entitled ordinance be amended to read as follows:

20.860. Job bank procedures - injured employee component. (a) The provisions of subdivisions (a)(1) to (a)(4) shall only apply to employees, ~~except for sworn personnel of the fire and police departments,~~ whose injuries are covered by the Minnesota Workers' Compensation Act.

- (1) *Advance notice of participation in job bank.* When a determination is made by the city that an eligible injured employee is ready to enter the job bank, the employee will be given official notice of one hundred twenty (120) days eligibility for the job bank.
- (2) *Tenure in job bank.* ~~Permanently certified or appointed~~ Employees who sustain injuries on or after June 1, 1995, and receive notice of eligibility shall begin one hundred twenty (120) days tenure in the job bank. The injured employee provisions in section 20.860 will also cover permanently certified or appointed employees who are in permanent or temporary job assignments as a result of work injury, if their job is eliminated.¹ Eligibility will be determined by the city and will begin when medical reports² indicate that permanent medical restrictions will prevent the eligible employee from returning to their pre-injury job, with or without reasonable accommodation. If during this one hundred twenty (120) day period the injured employee has not been placed in another City position, the employee shall be separated from City service.
- (3) *Compliance with Workers' Compensation Act.* Injured employees who are placed in the job bank must comply with the provisions of the Minnesota Workers' Compensation Act as a condition of continuing eligibility for workers' compensation benefits and the Return to Work Job Bank.
- (4) *Injured employees in job bank.* All injured employees, during their tenure in the job bank, shall be paid their pre-injury wage and fringe benefits. While in job bank, injured employees will continue performing temporary or alternate duties assigned, while being allowed some paid time off to engage in job bank programs, training and outplacement, for examples.

¹The provisions of section 20.850 will not apply to these employees.

²In administering this ordinance, the city will rely on medical reports from physicians appointed by the city if there are conflicting opinions.

Section 6. That Section 20.870 of the above-entitled ordinance be amended to read as follows:

20.870. ~~[Applicable provisions.]~~ Position vacancies. The following provisions will apply to all employees who become eligible for job bank services.

(a) *All vacancies in job bank.*

- (1) All vacant positions which are to be filled and come under council jurisdiction shall be placed into the job bank.
- (2) Only those positions in the approved annual budget shall be filled in the budget year.
- (3) All placements resulting solely from economic layoff or restructuring made through job bank ~~shall be mutually agreed upon by the employee and the appointing authority for the particular position~~ shall be made by the director of human resources after consultation with the hiring authority and the employee. Injured ~~employees~~ Employees who refuse a reasonable job offer will be terminated from further job bank participation, and their workers' compensation benefits will be discontinued in accordance with the provisions of the Minnesota Workers' Compensation Act.

- (4) Subject to civil service rules and bargaining unit agreements, all vacant positions throughout the city shall first be attempted to be filled through job bank. If a position cannot be filled through job bank, then the attempt to fill the position will be made through active city employees. Only if the position cannot be filled through job bank and currently employed city employees not in job bank may the vacant position be filled from outside city service.

(b) *Job bank programs.* Each employee in the job bank shall work with a placement coordinator and shall receive assistance in finding a vacant position within the city. In addition, the employee may receive skills assessment, training or retraining or outplacement assistance. These services shall be provided to the job bank employee at no cost to the employee.

Section 7. That Section 20.890 of the above-entitled ordinance be and is hereby repealed.

~~**20.890. Job bank committee to establish committees.** The job bank committee shall establish committees, work groups or task forces as necessary to operate job bank in conformity with the purpose and intent of this article.~~

Section 8. That Section 20.900 of the above-entitled ordinance be amended to read as follows:

~~**20.900. Insurance continuation.** A plan for health/dental insurance continuation to work in conjunction with the job bank is found in section 20.470 of this chapter. All employees whose positions are eliminated pursuant to this ordinance and who are laid off shall have their health and dental insurance continue as follows:~~

- ~~(1) The level of coverage, single or family, shall continue at the level of coverage in effect for the laid off employee as of the date of layoff.~~
- ~~(2) The health/dental plan that shall be continue shall be the plan in effect for the employee as of the date of layoff.~~
- ~~(3) The city shall pay one hundred (100) percent of the premiums for the first six (6) months of COBRA continuance at the level of coverage and plan selected by the employee and in effect on the date of the layoff.~~

~~The terms of section 20.900 relating to the continuation of insurance benefits will expire on December 31, 2005. The city counsel must take specific action to extend the terms of section 20.900 relating to the continuation of insurance benefits if the city counsel want those specific insurance benefits to apply to laid off employees after December 31, 2005.~~

Adopted 3/21/03.

Approved by Acting Mayor Ostrow 3/21/03

W&M/Budget - Your Committee, having under consideration a report outlining the following recommendations of the City of Minneapolis Ethics Task Force:

1) Adoption of a new City of Minneapolis Code of Ethics by passage and summary publication of the accompanying ordinances: a) Repealing Chapter 15 of Title 2 of the Minneapolis Code of Ordinances relating to Administration: Ethics in Government; and b) Amending Title 2 of the Minneapolis Code of Ordinances relating to Ethics, by adding a new Chapter 15 relating to Administration: Ethics in Government;

2) Appointment of an Ethics Officer to handle ethics questions and complaints for employees;

3) Establishment of an independent Minneapolis Ethical Practices Board to handle ethics complaints against elected and appointed local officials;

4) Revision of the Statement of Financial Interest to require additional disclosure of financial interests;

5) Establishment of a mandatory ethics training program for all current and new employees and local officials;

6) Establishment of a City work group to reevaluate and revise City policies and procedures in light of the revisions to the Code of Ethics;

7) Referral of the revised Code of Ethics to the Minneapolis Park and Recreation Board and Library Board for their consideration,

now recommends that said ordinances be forwarded without recommendation.

Benson moved to amend the report by deleting "that said ordinances be forwarded without recommendation" and inserting in lieu thereof "approval of said recommendations". Seconded.
Adopted by unanimous consent.

Benson moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending the title of Article I, Article II and Article III by moving the words "Ethical Aspiration" to follow the Section number and inserting into the title in Article I the word "Trust", in Article II the word "Fairness" and in Article III the word "Accountability". Seconded.
Adopted upon a voice vote.

Benson moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending Section 15.10, paragraph 2 by deleting the word "public" twice and inserting in lieu thereof the word "local", by deleting the word "rules" and inserting the words "code of ethics", and by inserting the sentence "Except for the Ethical Aspirations set forth in 15.20, 15.130 and 15.180." following the sentence that ends with the word "strive". Seconded.
Adopted upon a voice vote.

Benson moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending Section 15.220 by deleting the words "recommend a candidate" and inserting the words "designate an assistant City attorney as the City's", deleting the words "to the Ethical Practices Board", deleting the sentence "The Ethical Practices Board shall appoint an Ethics Officer.", deleting the words "investigate alleged violations of this Code", and deleting the words "and implement". Seconded.
Adopted upon a voice vote.

Benson moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending Section 15.230 by adding to the end of paragraph 1 the sentence "Conduct reported to the Ethics Officer shall be referred to the appropriate official for investigation.", and by adding to the end of paragraph 2 the sentence "Conduct reported to the Ethics Officer shall be referred to the appropriate official for investigation." Seconded.
Adopted upon a voice vote.

Benson moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending Section 15.260 by adding to the end of the first paragraph the language "The Human Resources Department shall design and implement the ethics education seminars. Department heads are responsible for ensuring that all of their employees attend this training." Seconded.
Adopted upon a voice vote.

Johnson moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending Section 15.210 by inserting after the words "The ethical practices board will be composed of three members appointed by" the words "an appointing committee. The members of the appointing committee shall be", inserting after the words "Chief Judge of Hennepin County District Court" the words "the Dean of the University of Minnesota Law School, and the Dean of the University of St. Thomas School of Law.", deleting the words "his or her" and inserting in lieu thereof the word "the", deleting the words "Chief Judge" and inserting in lieu thereof the word "committee", deleting from paragraph 1 the words, "and the deans of area laws schools", deleting from paragraph 2 the words "Chief Judge" and inserting in lieu thereof the word "committee", and deleting from paragraph b the words "Chief Judge" and inserting in lieu thereof the word "appointing committee". Seconded.
Adopted upon a voice vote.

Johnson moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending Section 15.80, paragraph 3 to read as follows:

“(3) Appointed local officials, as defined in section 15.280(m)(2) of this ordinance, or employees, within sixty (60) days of accepting appointment or employment as a local official or employee in a position which the city council has determined has authority to make, to recommend, or to vote on as a member of a decision making body, major decisions regarding the expenditure or investment of public money. The list of these positions shall be maintained by the department of human resources.” Seconded.

Adopted upon a voice vote.

Johnson moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending Section 15.210 by adding a paragraph g to read as follows:

“(g) The ethical practices board shall submit a budget request to the Mayor’s budget process after they organize and each year thereafter.” Seconded.

Adopted upon a voice vote.

Goodman moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending Section 15.80, paragraph 4 by deleting the following agencies:

Airports Commission, Metropolitan (MAC);
Capital Long Range Improvements Committee,
Empowerment Zone (EZ) Governance Board;
Library Board of Trustees, Minneapolis Public
Seconded.

Adopted upon a voice vote.

Goodman moved to amend the Ordinance that adds a new Chapter 15 relating to Administration: Ethics in Government by amending Section 15.280, paragraph m by deleting the following agencies:

Airports Commission, Metropolitan (MAC);
Capital Long Range Improvements Committee,
Empowerment Zone (EZ) Governance Board;
Library Board of Trustees, Minneapolis Public
Seconded.

Adopted upon a voice vote.

The ordinance, as amended, was adopted on 3/21/03.

Ordinances 2003-Or-033 and 2003-Or-034 repealing Chapter 15 of Title 2 and Amending Title 2 of the Minneapolis Code of Ordinance relating to Ethics by adding a new Chapter 15 relating to *Administration: Ethics in Government*, were passed 3/21/03 by the City Council. A complete copy of these ordinances are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-033

By Benson

Intro & 1st Reading: 10/23/02

Ref to: W&M/Budget

2nd Reading: 3/21/03

Repealing Chapter 15 of Title 2 of the Minneapolis Code of Ordinances relating to Administration: Ethics in Government.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 15 of the Minneapolis Code of Ordinances be and is hereby repealed.

~~CHAPTER 15. ETHICS IN GOVERNMENT*~~

15.05. Legislative purpose. There is hereby established a code of ethics for all city officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the city and directing disclosure by certain designated officials and employees of private financial or other interests in matters affecting the city.

15.10. Definitions. (a) Administrative action means an action of a nonministerial nature based upon the exercise of the local official's or employee's judgment or discretion.

(b) Legislative action means introduction, sponsorship, debate, voting and any other official action on any ordinance, resolution, amendment, nomination, appointment, report or other matter pending or proposed in a council committee or the council.

(c) Local official, as defined in Minnesota Statutes, Section 10A.01, means a person who holds elective office in a political subdivision or who is appointed to or employed in a public position in a political subdivision in which the person has authority to make, to recommend, or to vote on as a member of the governing body, major decisions regarding the expenditure or investment of public money and shall only include:

- (1) The following elected officials: city council members; the mayor; and elected board of estimate and taxation members; and
- (2) The following appointed officials: city assessor; city attorney; city coordinator; city clerk; finance officer; city engineer; health commissioner; planning director; fire chief; police chief; budget director; assistant city coordinators; treasury division director; convention center general manager; and board of estimate and taxation employees.

(d) Local official, as defined in Minnesota Statutes, Section 471.895, Subd. 1(d), and public officer, as defined in Minnesota Statutes, Section 471.87, means an elected or appointed official of the city and shall include:

- (1) The following elected officials: city council members; the mayor; and elected board of estimate and taxation; and
- (2) The following appointed officials or any person holding the title or position enumerated:
 Administrative assistant to the city council president
 Assistant budget director
 Assistant chief, fire department
 Assistant city clerk
 Assistant city coordinators
 Assistant director, public works/director (engineering operations)
 Assistant director, public works/director (transportation and special projects)
 Budget director
 Cable communication officer
 Chief, fire department
 Chief of police
 City assessor
 City attorney
 City clerk
 City coordinator
 City council coordinator of policy and operations
 City council member aides
 City engineer
 Commissioner of public health
 Deputy chief of police, administrative services
 Deputy chief of police, investigation
 Deputy chief of police, patrol
 Deputy city attorney, civil
 Deputy city attorney, criminal
 Director, civil rights
 Director, community service bureau
 Director, elections

~~Director, emergency communications
Director, government relations
Director, health planning administration
Director, human resources
Director, inspections
Director, neighborhood revitalization program
Director, treasury division
Director, water works
Finance officer
General manager, convention center
Government relations representatives
Manager, licenses and consumer services
Mayor's chief of staff
Mayor's policy aides
Planning director
Purchasing director
State legislative liaison~~

~~(3) Appointed officials of an agency, authority or instrumentality of the city including, but not limited to, the following:~~

~~Capital Long Range Improvements Committee
Charter Commission
Civil Rights Commission, Minneapolis
Civil Service Commission, Minneapolis
Civilian Review Authority, Minneapolis
Community Development Agency, Minneapolis
Heritage Preservation Commission, Minneapolis
Planning Commission, Minneapolis
Public Housing Authority, Minneapolis~~

~~(e) Associated business means any association in connection with which the individual is compensated in excess of fifty dollars (\$50.00) in any month, except for actual and reasonable expenses, as a director, officer, owner, member, partner, employer or employee, or is a holder of securities worth twenty-five hundred dollars (\$2,500.00) or more at fair market value.~~

~~(f) Candidate means any individual who files an affidavit of candidacy or petition to appear on the ballot for the offices of mayor, city council member or board of estimate and taxation member.~~

~~(g) Election means a general, special, primary or special primary election.~~

~~(h) Employee means a person who holds a civil service or appointed title or position in the city. The term "employee" shall not include a local official, as defined in sections 15.10(c) or 15.10(d), anyone in the hire of the park and recreation board or library board, nor any independent contractor.~~

~~(i) Privileged information means information which is learned by a local official, as defined in sections 15.10(c) or 15.10(d), or employee in the course and scope of their duties and is information not reasonably available to the public at large.~~

~~(j) Chain of supervision means that the local official has some supervisory capacity or responsibility over the employee.~~

15.15. Local official. The city clerk shall prepare and file the form prescribed by the state ethical practices board designating the appointment of local officials, as defined in section 15.10(c), and update the information as required by state statute.

15.20. Conflicts of interest. (a) Any local official, as defined in sections 15.10(c) or 15.10(d), or employee of the city, who in the discharge of their official duties would be required to take an administrative or legislative action or make a decision which would substantially affect their financial interests or those of an associated business unless the effect on them is no greater than on other members of their business classification, profession or occupation, shall take the following actions:

(1) The local official or employee shall prepare, on such a form as prescribed by the state ethical practices board, a written statement describing the matter requiring action or decision and the nature of their potential conflict of interest.

- (2) The local official or employee shall deliver copies of the statement to the city clerk and to their immediate superior, if any.
- (3) A local official or an employee shall deliver copies of the statement to the city clerk and the presiding officer of the body, department, agency, authority or instrumentality of the city for which said officer or employee serves.
- (4) If a potential conflict of interest presents itself and there is insufficient time to comply with the provisions of clauses (1) to (3), the local official or employee appointed by mayor or city council shall verbally inform their superior or the official body, or committee thereof, in which they serve, of the potential conflict. The local official or appointed employee shall file a written statement as provided above within one (1) week after the potential conflict presents itself.

(b) If the local official or employee has a superior, their superior shall assign the matter, if possible, to another person who does not have a potential conflict of interest. If they have no immediate superior, the local official or employee shall consider removing themselves, if possible, from influence over the action or decision in question and assign the matter to a subordinate. If an elected member of a governing body, the body may upon request excuse the local official from taking part in the action or decision in question.

(c) A local official having a potential conflict of interest who is not permitted or is otherwise unable to abstain from action in connection with the matter must file with the city clerk a statement describing the potential conflict of interest and the action taken. The local official must file the statement within one (1) week of the action taken.

(d) No local official, as defined in sections 15.10(c) or 15.10(d), or employee, whether paid or unpaid, shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest or would tend to impair independence of judgment or action in the performance of official duties. Personal, as distinguished from financial, interest includes an interest arising from blood or marriage relationships or close business or political association. Specific conflicts of interest are enumerated below for the guidance of local officials and employees:

- (1) Incompatible employment—holding a position in addition to a public position which interferes, or may interfere, with the proper discharge of public duty.
- (2) Soliciting or accepting personal gifts and favors by a local official or employee.

a. Exceptions. The prohibitions in this section do not apply if the gift is:

1. a campaign contribution as defined in Minnesota Statutes, Section 10A.01, Subd. 7;
2. a service to assist an official in the performance of official duties, including, but not limited to, providing advice, consultation, information, and communication in connection with legislation, and services to constituents;
3. a service of insignificant monetary value;
4. a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;
5. a trinket or memento of insignificant value;
6. informational material of unexceptional value; or
7. food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program;
8. given because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or
9. given by a lobbyist or principal who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.

(3) Any use of official position for financial or personal gain.

(4) Holding (possession) investments which interfere, or tend to interfere, with the proper discharge of public duty.

- (5) Representation by local officials, as defined in sections 15.10(c) or 15.10(d), or employees of private interests before Minneapolis governmental agencies and participation in the profits from such representation.
- (6) Participation in transactions as a public representative with a business entity in which the local official or employee has a direct or indirect financial or other personal interest without full disclosure.
- (7) Personal interest in legislation to the extent that personal interest takes precedence over public interest and public duty.
- (8) Entry into contracts or other conduct of business with the city for profit by a business in which a local official or employee has a substantial or controlling interest, especially when the local official or employee can influence such contract or business because of their public position.

15.30. Representation for a fee. A local official, as defined in sections 15.10(c) or 15.10(d), shall not represent a client for a fee before the council or any council committee, or any board, commission or department of the city.

15.35. Prohibited conduct after leaving city. (a) No former local official, as defined in sections 15.10(c) or 15.10(d), or employee shall disclose or use any confidential, privileged or proprietary information gained by reason of their city employment unless the information is a matter of public knowledge or is available to the public on request;

(b) No former local official, as defined in sections 15.10(c) or 15.10(d), or employee shall, during the period of one (1) year after leaving city office or employment:

- (1) Assist any person in proceedings involving the agency of the city with which they were previously employed, or on a matter in which they were officially involved, participated or acted in the course of duty.
- (2) Represent any person as an advocate in any matter, including any pending or existing contract in which the former local official or employee was involved in their capacity as a local official or employee.
- (3) Participate as a competitor in any competitive selection process for a city contract, nor shall any city contract be awarded to such former local official or employee in which they assisted the city in recommending or approving the project or work to be done or recommending or approving the process to be used.

(c) A local official, as defined in sections 15.10(c) or 15.10(d), or employee who contracts with a former local official, as defined in sections 15.10(c) or 15.10(d) or employee for expert or consultant services within one (1) year of the latter's leaving city office or employment, shall promptly inform the city attorney about the agreement.

(d) The prohibitions of sections 15.35(b)(1) and 15.35(b)(2) shall not apply to former local officials or employees acting on behalf of a governmental agency unless such assistance or representation is adverse to the interest of the city.

15.40. Statements of economic interest. (a) The following persons shall file a statement of economic interest with the city clerk in the form prescribed by the state ethical practices board:

- (1) A candidate within fourteen (14) days after filing an affidavit of candidacy or petition to appear on the ballot for an elective public office; or
- (2) An elected local official, as defined in section 15.10(c), within sixty (60) days after commencing their term of office; or
- (3) A non-elected local official, as defined in section 15.10(c), within sixty (60) days of accepting appointment or employment as a local official.

(b) The city clerk, upon receiving an affidavit of candidacy or petition to appear on the ballot form, after administering the oath of office to, or after receiving for nomination or for confirmation by the council the name of an individual required by this section to file a statement of economic interest, shall notify the individual of the provisions relating to statement of economic interest.

(c) Each individual who is required to file a statement of economic interest shall file a supplementary statement on April 15th of each year that he or she remains a local official.

(d) Within thirty (30) days after leaving office local officials shall file a statement of economic interest covering the period from the end date of the most recent statement through the last day of service as a local official. A local official shall file a supplementary statement within ten (10) days after becoming aware of an inaccuracy in a previously filed statement.

(e) The city clerk shall notify within seven (7) days after the prescribed filing time, by registered (not certified) mail, any person required to file a statement of economic interest who has failed to do so. Any such person who knowingly fails to submit a statement of economic interest within seven (7) days after receiving notice from the city clerk is guilty of a misdemeanor.

(f) Each individual required to file a statement of economic interest shall do so in compliance with Minnesota Statutes, Section 10A.09. All statements filed with the city clerk shall be public data.

15.45. Outside employment. Employees shall obtain written approval from their department head before accepting outside employment that will run concurrently with city employment. Employees may not solicit or perform outside work during business hours without the written permission of the department head which addresses the use of vacation or compensatory time, if applicable, and use of the city's facilities, equipment or materials for such work.

15.50. Penalty for false statements. A report or statement required by this chapter shall be signed and certified as true by the person required to file the report. Any person who signs and certifies to be true a report or statement which he or she knows contains false information or who knowingly omits required information is guilty of a misdemeanor.

15.60. Gifts to local officials and employees. (a) A local official, as defined in Section 15.10(c), shall comply with Minnesota Statutes, Section 10A.071 and Minnesota Statutes, Section 471.895, Subd. 2.

(b) A local official, as defined in Section 15.10(d), shall comply with Minnesota Statutes, Section 471.895, Subd. 2.

15.70. Privileged information. No local official, as defined in sections 15.10(c) or 15.10(d), or employee shall use or disclose information gained in the course of or by reason of one's official position or activities including, but not limited to, any data classified pursuant to Minnesota Statutes, Chapter 13 as private, confidential, nonpublic or protected nonpublic, in any way that could result in financial or personal gain for the local official, or employee or members of their family, or any associated business, or which may impair the officer or employee's fiduciary duty to the city.

15.75. Disclosure of information. Whenever a local official, as defined in sections 15.10(c) or 15.10(d), or employee discovers evidence of theft, embezzlement, or unlawful use of public funds or property, the local official or employee shall, except when to do so would knowingly impede or otherwise interfere with an ongoing criminal investigation, promptly report in writing to the city director of internal audit or the city attorney a description of the alleged incident or incidents.

Adopted 3/21/03.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-034

By Benson

Intro & 1st Reading: 10/23/02

Ref to: W&M/Budget

2nd Reading: 3/21/03

Amending Title 2 of the Minneapolis Code of Ordinances relating to Ethics, by adding a new Chapter 15 relating to Administration: Ethics in Government.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 15 to read as follows:

CHAPTER 15. ETHICS IN GOVERNMENT

Code of Ethics

15.10. Preamble. Minneapolis government exists to serve the people of Minneapolis. In order to do so effectively, the people must have confidence and trust in the integrity of their city government. They deserve elected and appointed officials, city employees and volunteers who maintain the highest ethical principles and avoid misconduct and conflicts of interest, apparent or real. Effective democracy depends on a government that is fair, ethical and accountable to the people it serves.

This comprehensive code of ethics provides an ethical guide and specific rules that reflect the ethical values of our city. It is both inspirational and a basis for disciplinary action. The Ethical Aspirations that begin each section represent the inspirational objectives toward which each local official and employee should strive. Except for the Ethical Aspirations set forth in 15.20, 15.130, 15.180, the code of ethics defines levels of conduct below which no local official or employee can fall without being subject to disciplinary action.

The code of ethics is designed to promote high ethical standards and conduct, and to foster a healthy ethical culture throughout city government. It is a touchstone for all who work with and for the city to assist them in fulfilling their responsibilities to the people of Minneapolis.

ARTICLE I. TRUST

15.20. Ethical aspiration. We put the public interest ahead of our own personal advancement and financial interests. We disclose conflicts of interest and refrain from participating in decisions where we have a financial interest. We avoid actions that might impair independence of judgment or give the appearance of impropriety or a conflict of interest. We do not use our positions to gain privileges or special treatment and do not use public property or personnel for private or personal purposes.

15.30. Fiduciary duty. In the performance of their official duties, local officials and employees shall act for the benefit of the city.

15.40. Conflicts of interest. (a) *Definition of conflicts of interest.* A local official or employee, whether paid or unpaid, shall avoid any situation that might give rise to a conflict of interest. A conflict of interest is present when, in the discharge of official duties, a local official or employee participates in a governmental decision, action or transaction in which he or she has a financial interest, except when that financial interest is no greater than that of another member of his or her business classification, profession or occupation. A financial interest is any interest, including loans, which shall yield, directly or indirectly, a monetary or other material benefit to the local official or employee (other than monetary or material benefits authorized by the city). A financial interest of a local official's or employee's employer (other than the City of Minneapolis), his or her associated business, or his or her spouse, domestic partner, or dependent, and their employers or associated businesses shall also be considered a financial interest of the local official or employee. The following assets shall not be considered a financial interest for purposes of this section:

- (1) Ownership of shares in a diversified mutual fund.
- (2) Membership in a pension plan or employee benefit plan.
- (3) Ownership of bonds or publicly traded securities with a market value of less than two thousand five hundred dollars (\$2,500.00).
- (4) Ownership of a whole life insurance policy.

(b) *Addressing conflicts of interest.* To address conflicts of interest:

- (1) A local official or employee shall not participate in making or attempt to use his or her position to influence any city governmental decision, action, or transaction in which the local official or employee knows or has reason to know that he or she has a conflict of interest. To participate or participation means making the decision, taking action, entering into a transaction, providing advice or a recommendation, introducing, sponsoring, debating, voting on, approving, and investigating the decision, action, or transaction. Participation includes the direct and active supervision of the participation of a subordinate in the matter. Participation is more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral basis.
- (2) A local official or employee may participate in a city governmental decision, action, or transaction involving an organization or entity when the local official or employee, or his or her spouse, domestic partner, or dependent is an officer, director, board member, or trustee, if the local official or employee does not have a financial interest in the governmental decision, action, or transaction. However, the local official or employee must disclose his or her affiliation with the organization or entity as though it were a conflict of interest.

- (3) A local official or employee may participate in a city governmental decision involving a related person, other than his or her spouse, domestic partner, or dependent, if the local official or employee does not have a financial interest in the governmental decision, action, or transaction. However, the local official or employee must disclose his or her relationship with the related person as though it were a conflict of interest.
 - (4) Any lobbyist (other than an employee of the city) who is lobbying on behalf of the city must disclose a complete list of his or her principals, the principal's clients, and the project or projects on which he or she is working on a principal's behalf, to all elected officials of the city and the city clerk. The ethics officer will report to the Intergovernmental Relations Committee on what projects, if any, create, or may create a professional conflict of interest for the lobbyist. A professional conflict of interest is a situation where the interests of a principal of the lobbyist are or may be adverse to the interests of the city. The lobbyist must update the list any time there is a change in his or her list.
- (c) *Disclosure of conflicts of interest.* If a local official or employee, in the discharge of his or her official duties, recognizes that his or her participation would create a conflict of interest, the local official or employee shall disclose the conflict of interest as follows:
- (1) The mayor and members of the city council shall disclose the conflict of interest to each other as soon as they become aware of the conflict. If such official becomes aware of a conflict during a meeting of the city council, or one of its committees, or the Executive Committee, the official shall immediately disclose the conflict of interest orally. The mayor or city council member shall also prepare, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of his or her conflict of interest. The written statement shall be distributed to the mayor and the members of the city council and filed with the city clerk. After the first time the official has orally disclosed a conflict of interest and filed the form, the elected official may subsequently orally disclose a conflict by referring to the form. Because the mayor or city council members may not attend all city council or committee meetings, oral disclosure may consist of the written statement being read into the record by the presiding officer at the first regular meeting of the city council after the form has been filed.
 - (2) A department head shall disclose a conflict of interest to the mayor and the city council by preparing, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of his or her conflict of interest. The form shall be distributed to the mayor and the members of the city council and filed with the city clerk.
 - (3) A local official or employee who is not covered by paragraphs (1) and (2) above shall disclose a conflict of interest (i) orally to his or her supervisor; and (ii) in writing as described below. If there is no supervisor, a local official or employee shall disclose a conflict of interest in writing as described below. A local official or employee who is required to disclose a conflict of interest in writing under this paragraph (3) shall prepare a written statement, on a form prescribed by the city clerk, describing the matter requiring action or decision and the nature of his or her conflict of interest. The written statement shall be distributed to the employee's immediate supervisor and department head, or in the case of these local officials, to the mayor and city council, any department head whose jurisdiction or agency could be affected, and filed with the city clerk.
 - (4) All initial written statements required by this section shall be filed not later than June 1, 2003. Thereafter, they shall be filed and distributed within one week after the local official or employee becomes aware of the conflict of interest.
 - (5) If the local official or employee has a supervisor, the supervisor shall assign the matter, if possible, to another person who does not have a conflict of interest. If they have no immediate supervisor, the local official or employee shall remove himself or herself from participating in the action or decision in question. If the local official is a member of the city council or the mayor, the local official shall not participate in any discussion or vote on any matter involving the conflict of interest. Although the mayor or city council member must abstain from voting on the matter, he or she shall be counted present for purposes of a quorum.

15.50. Soliciting or accepting personal gifts. (a) A local official or employee shall not solicit or accept any gift from an interested person, lobbyist, or principal who has a direct financial interest in a decision that the local official or employee is authorized to make.

(b) Exceptions. The prohibitions in this section do not apply if the gift is:

- (1) A campaign contribution as defined in Minnesota Statutes, Section 10A.01, subd. 11;
- (2) A service to assist an official in the performance of official duties, including, but not limited to, providing advice, consultation, information, and communication in connection with legislation, or services to constituents;
- (3) A service of insignificant monetary value;
- (4) A plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;
- (5) A trinket or memento of insignificant value;
- (6) Informational material of unexceptional value;
- (7) Food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program;
- (8) Given because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or
- (9) Given by an interested person, lobbyist, or principal who is a related person to the recipient, unless the gift is given on behalf of someone who is not a related person.

(c) A local official or employee who receives any gift prohibited by this section shall return, dispose of, or request that the city council accept the gift on behalf of the city.

15.60. Outside employment. (a) A local official or employee shall not accept employment or enter into a contract that:

- (1) Interferes with the proper discharge of his or her public duty; or
- (2) Creates a conflict of interest that would materially impair the local official's or employee's ability to serve the city.

Local officials, as defined in section 15.280(m)(3), who are not subject to provisions (c) and (d) of this section must still comply with this provision.

(b) Except for employment with the city, a local official or employee shall not accept employment or enter into a contract with any party or beneficiary to:

- 1) A pending or existing city contract if the local official or employee participated in the negotiation, development, awarding, or management of that contract; or
- (2) Any other matter involving the local official's or employee's department or agency if the local official or employee participated in that matter.

(c) A local official, as defined in section 15.280(m)(1) or (m)(2) of this ordinance, or an employee shall not solicit or accept any money or other thing of value in return for advice or assistance on matters concerning the operation or business of city government.

(d) A local official, as defined in section 15.280(m)(1) or (m)(2) of this ordinance, or an employee shall not represent any person or organization for a fee or any other thing of value, before the mayor, the city council, any city council committee member, or the executive committee, before any department of the city, or before any city board, agency, commission, or committee of a city board, agency or commission.

(e) An appointed local official, as defined in section 15.280(m)(2) of this ordinance, or an employee shall:

- (1) Obtain written permission from his or her department head before accepting outside employment or entering into a contract for services.
- (2) Not use city facilities or equipment to solicit or perform outside work.
- (3) Not solicit or perform outside work during the local official's or employee's hours of employment. The written permission must address the use of vacation or compensatory time, if applicable.

15.70. Use of official position to solicit privileges or special treatment. A local official or employee shall not use his or her official position to solicit privileges or special treatment, unless the privileges or special treatment are for the benefit of the city.

15.80. Statements of economic interest. (a) Minnesota Statutes, Sections 10A.01 and 10A.09 require a local official who holds elective office in the city or who is appointed to or employed in a public position in the city in which the person has authority to make, to recommend, or to vote on as a member of a decision making body, major decisions regarding the expenditure or investment of public money to file a statement of economic interest. In accordance with these statutes and with the provisions of this ordinance, the following persons shall file a statement of economic interest with the city clerk on a form prescribed by the city clerk. The statement of economic interest shall include sections for disclosing sources of compensation, securities, real property, investments in pari-mutuel horse racing, and loans. A loan from a financial lending institution, negotiated by unrelated parties each acting in his or her own self interest, with an interest rate of at least a market rate, does not need to be reported. The statement shall include the economic interests of the person filing the statement and his or her spouse or domestic partner, if any.

- (1) A candidate for the office of mayor or city council member within fourteen (14) days after filing an affidavit of candidacy or petition to appear on the ballot for an elective city office; and
- (2) An elected local official, as defined in section 15.280(m)(1) of this ordinance, within sixty (60) days after commencing his or her term of office; and
- (3) Appointed local officials, as defined in section 15.280(m)(2) of this ordinance, or employees, within sixty (60) days of accepting appointment or employment as a local official or employee in a position which the city council has determined has authority to make, to recommend, or to vote on as a member of a decision making body, major decisions regarding the expenditure or investment of public money. The list of these positions shall be maintained by the department of human resources.
- (4) Individuals appointed or designated by the mayor or appointed by the city council to the following agencies, authorities, or instrumentalities, within sixty (60) days of accepting appointment or employment as a local official:
Bassett Creek Watershed Management Commission
Family Housing Fund, Minneapolis/St. Paul
Planning Commission, Minneapolis
Public Housing Authority, Minneapolis
Shingle Creek Watershed Management Commission
Sports Facilities Commission, Metropolitan

(b) Each individual who is required to file a statement of economic interest shall file a supplementary statement on April 15th of each year that he or she remains a local official if information on the most recently filed statement has changed. A local official shall file a supplementary statement within ten (10) days after becoming aware of an inaccuracy in any previously filed statement.

(c) Within thirty (30) days after leaving office, a local official shall file a statement of economic interest covering the period from the end date of the most recent statement through the last day of service as a local official if information on the most recently filed statement has changed.

(d) Individuals required to file a statement of economic interest are subject to the penalty provisions of Minnesota Statutes, Section 10A.09 and this ordinance. All statements filed with the city clerk shall be public data.

15.90. Post employment restrictions. (a) A former local official or employee shall not disclose or use any confidential, private, nonpublic, privileged or proprietary information gained by reason of his or her city employment.

(b) During the period of one (1) year after leaving city office or employment:

- (1) A local official, as defined in section 15.280(m)(1) of this ordinance, shall not represent or lobby on behalf of any person or organization on any matter before the city.
- (2) A local official, as defined in section 15.280(m)(2) of this ordinance, or an employee shall not represent or lobby on behalf of any person or organization on any matter before the city in which the former local official or employee participated. A local official, as defined in section 15.280(m)(3) of this ordinance, may only represent or lobby on behalf of a person or organization on a matter before the city in which the former local official participated when that participation was only advisory in nature.

(3) A local official or employee shall not participate as a competitor in any competitive selection process for a city contract, nor shall any city contract be awarded to such a former local official or employee, in which they assisted the city in recommending or approving the project or work to be done or recommending or approving the process to be used.

(c) The prohibitions of this section shall not apply to a former local official or employee acting on behalf of the city, its departments, independent boards and commissions, or another governmental agency unless such assistance or representation is adverse to an adopted policy or position of the city.

15.100. City property. A local official or employee shall not engage in or permit the unauthorized use or destruction of city property.

15.110. Political activity. (a) A local official or employee shall not use his or her official authority or influence to compel any person to apply for membership in or become a member of any political organization, to pay or promise to pay a political contribution, or to take part in political activity.

(b) A candidate for, or holder of, elective office is subject to the campaign finance and public disclosure provisions of Minnesota Statutes, Chapter 10A and Chapter 383B.

15.120. Loans. (a) A local official or employee, or the spouse or domestic partner of the local official or employee, or any entity in which the local official or employee or his or her spouse or domestic partner has a financial interest, shall not apply for, solicit, accept or receive a loan of any amount from any person, organization, or entity that is either doing business with or seeking to do business with the city. However, this section shall not prohibit application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution if the loan is negotiated by unrelated parties, each acting in his or her own self interest and the interest rate charged is at least a market rate.

(b) This section shall not prohibit a local official or employee, or the spouse or domestic partner of a local official or employee, from applying for, soliciting, accepting, or receiving a loan from an entity such as an employer-sponsored credit union, insurance provider or deferred compensation plan that does business with the city or is seeking to do business with the city.

(c) This section shall not prohibit an appointed local official or employee, or the spouse or domestic partner of an appointed local official or employee, from applying for, soliciting, accepting, or receiving a loan from the Minneapolis Community Development Agency (MCDA), the Neighborhood Revitalization Program (NRP), or another city-sponsored or city-administered loan program.

ARTICLE II. FAIRNESS

15.130. Ethical aspiration. We act honestly, fairly, and openly so that others can rely in good faith on our words and actions. We do not engage in or tolerate any act of discrimination, retaliation, harassment or abuse. We maintain and respect confidentiality and decide all matters based on their merits, free from improper influences.

15.140. Required reporting of fraud; unlawful use of public funds or property. Whenever a local official or employee discovers evidence of fraud, theft, embezzlement, forgery, or unlawful use of public funds or property, the local official or employee shall promptly report the discovery in writing to the city coordinator and the internal auditor. If necessary under state law, the city coordinator shall forward the report to the Minnesota State Auditor.

15.150. Discrimination or harassment. A local official or employee shall not engage in discrimination or harassment in the workplace based on race, color, creed, religion, national origin, sex, affectional preference, marital status, status with regard to public assistance, disability, sexual orientation or age.

15.160. Nepotism. (a) A local official or employee of the city shall not influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, assignment, reward, discipline, direction of work, or the adjustment of grievances of a related person. No local official or employee shall be the immediate supervisor, or that supervisor's immediate supervisor, of a related person. The human resources department will work with the affected related persons to resolve violations of this provision that exist because of existing supervisory relationships. All such violations must be resolved by June 1, 2005.

(b) A local official or employee of the city shall not influence or attempt to influence the awarding of a city contract to a related person. No local official or employee shall be responsible for managing a city contract with a related person.

15.170. Use or disclosure of information. (a) A local official or employee shall not use or disclose any information gained in the course of or by reason of his or her official position in any way that violates his or her fiduciary duty to the city or the Minnesota Government Data Practices Act.

(b) A local official or employee shall not use or disclose privileged, nonpublic, confidential, private, or proprietary information gained in the course of his or her official duties in any way that could result in financial gain for the local official or employee, or for the spouse, domestic partner, or dependent of the local official or employee, or for a person in a committed relationship with the local official or employee, or for any associated business of the local official or employee, or his or her spouse, domestic partner, dependent, or person with whom he or she has a committed relationship.

ARTICLE III. ACCOUNTABILITY

15.180. Ethical aspiration. We comply with both the letter and the spirit of applicable federal and state law and regulations, the city charter, the Minneapolis Code of Ordinances and city policies and procedures.

15.190. Avoiding bias or favoritism. When making decisions, a local official or employee shall act for the benefit of the city, avoid bias or favoritism, and shall respect cultural differences.

15.200. Inappropriate influence. (a) The role of a local official or employee is to exercise his or her judgment to further the best interests of the city. For an appointed local official or employee this includes making recommendations to elected officials and providing elected officials with multiple policy options and the advantages and disadvantages of these options. Once the city council and/or the mayor officially sets policy, the job of a local official, as defined in section 15.280(m)(2) of this ordinance, or an employee is to implement the policy in good faith, regardless of his or her personal views.

(b) An elected local official or the employee of an elected local official shall not inappropriately influence the exercise of professional judgment by the city's staff. Examples of inappropriate influence by an elected official, or the employee of an elected official, include asking or ordering an appointed local official or employee to:

- (1) Violate this code of ethics or an applicable code of professional responsibility under which the local official or employee operates; or
- (2) Do a special favor or make an exception for a constituent or other individual or organization contrary to existing law or adopted city policy; or
- (3) Misrepresent that local official's or employee's recommendation to other elected officials.

15.210. Ethical practices board. (a) The ethical practices board will be composed of three members appointed by an appointing committee. The members of the appointing committee shall be the Chief Judge of Hennepin County District Court, the Dean of the University of Minnesota Law School, and the Dean of the University of St. Thomas School of Law. In making the appointments, the committee shall follow the city's open appointments process, supplemented by the following:

- (1) The city clerk shall notify non-partisan civic and community groups, colleges and universities of any openings on the board.
- (2) At least thirty (30) days prior to making an appointment, the committee shall submit the names of the finalists for the position to the mayor and the city council for comment.
- (3) Within five (5) days of receiving the names, the city council shall schedule a public hearing to solicit public input on the finalists. The chair of the board shall be elected by the membership from among its members.

(b) One (1) member of the ethical practices board will be appointed for an initial term to expire on January 2, 2005; two (2) members will be appointed for an initial term to expire on January 2, 2006. All subsequent appointments will be made for three (3) year terms. All members shall serve until their successors have been appointed and qualified. The appointing committee may remove a board member for cause at any time during the board member's term of office.

(c) No member of the ethical practices board may be a local official or city employee; the related person of a local official or city employee; a candidate for elected public office; a person who, for compensation, represents the private interests of others before the city council or mayor; or a paid campaign worker or political consultant of a current local official.

(d) The ethical practices board shall have jurisdiction to review and make findings concerning any alleged violation of this ethics code by any person subject to those provisions, including but not limited to a current or former elected or appointed local official who is a member of an agency, authority, or instrumentality listed in section 15.280(m)(3) of this Code. The ethical practices board may not consider any alleged violation that occurred before the adoption of this code or more than one (1) year before the date of the filing of a complaint.

(e) The ethical practices board has the following powers only:

- (1) To establish, amend and repeal rules and procedures governing its own internal organization and operations in a manner and form consistent with this code.
- (2) To meet as often as necessary to fulfill its responsibilities.
- (3) To request from the mayor and city council the appointment of such staff as is necessary to carry out the duties of the board.
- (4) To make notifications, extend deadlines and conduct investigations.
- (5) To respond to local official and employee complaints and questions regarding this code.
- (6) To give opinions on the interpretation of this code.
- (7) To make findings of fact as necessary.
- (8) To make recommendations of discipline for violations of this code by elected and non-employee local officials.
- (9) To review, index, maintain on file and dispose of complaints.
- (10) Such other powers as are specifically granted in this code.

(f) The ethical practices board shall prepare and submit an annual report to the mayor and the city council detailing the ethics activities of the board and the city during the prior year. The format of the report must be designed to maximize public and private understanding of the board and city ethics activities. The report may recommend changes to the text or administration of this code. The city clerk shall take reasonable steps to ensure wide dissemination and availability of the annual report of the ethical practices board and other ethics information reported by the board.

(g) The ethical practices board shall submit a budget request to the Mayor's budget process after they organize and each year thereafter.

15.220. Ethics officer. The city attorney shall designate an assistant city attorney as the city's ethics officer. The ethics officer shall respond to local official and employee questions about this code, give opinions on interpretation of this code, and serve as the staff to the ethical practices board. The ethics officer shall work with the human resources department to design the ethics education seminars required by this code. The ethics officer shall also work to promote the city's ethics program and high ethical standards in city government.

15.230. Code of ethics violations. (a) A local official or employee must report any conduct by other local officials or employees that he or she believes violates this code of ethics.

- (1) The improper conduct of a non-appointed employee must be reported to either the alleged violator's supervisor or department head or to the ethics officer. Conduct reported to the ethics officer shall be referred to the appropriate official for investigation.
- (2) The improper conduct of an appointed employee who is not a department head must be reported to the alleged violator's supervisor and department head or to the ethics officer. Conduct reported to the ethics officer shall be referred to the appropriate official for investigation.
- (3) The improper conduct of a department head, an elected official, or an appointed local official who is a member of an agency, authority, or instrumentality listed in section 15.280(m)(3) must be reported to the ethical practices board.

(b) Once a situation is reported under clause (a)(1) or (a)(2) above, the supervisor or department head has a duty to immediately investigate the alleged violation.

(c) When a situation reported under clause (a)(1) or (a)(2) above is resolved, the supervisor or department head must notify the ethics officer of the report and resolution.

15.240. Sanctions. (a) An appointed or classified employee who violates the code of ethics may be subject to disciplinary action, up to and including termination of city employment.

(b) The ethical practices board shall review allegations of violations of this code of ethics by an elected official, a department head, or an appointed local official who is a member of a city agency, authority or instrumentality listed in section 15.280(m)(3) of this Code. Once the review is complete the ethical practices board shall report its findings regarding an elected official to the mayor, the ways and means/budget committee and the city council. The ethical practices board shall report findings regarding a department head to the appropriate appointing authority. The ethical practices board shall report findings regarding an appointed local official who is a member of a city agency, authority or instrumentality listed in section 15.280(m)(3) of this Code to the appropriate appointing authority.

(c) The statement of economic interest required by this code of ethics shall be signed and certified as true by the person required to file the report. Any person who signs and certifies that a report or statement is true, which he or she knows contains false information or knows omits required information is guilty of a misdemeanor.

15.250. City contract compliance. All city contracts shall include a provision requiring compliance with this code of ethics. Any contracts negotiated, entered into or performed in violation of any of the provisions of this code shall be voidable as to the city. Any permit, license, ruling, determination or other official action of the city applied for or in any other manner sought, obtained or undertaken in violation of the provisions of this code may be invalidated or rescinded.

15.260. Ethics education. Each local official or employee shall attend an ethics education seminar within twelve (12) months of the effective date of this ordinance, and once every four (4) years thereafter. New employees and local officials shall attend an ethics education seminar within six (6) months of becoming a local official or employee and every four (4) years thereafter. The seminar shall educate persons as to their duties and responsibilities under this code. The human resources department shall design and implement the ethics education seminars. Department heads are responsible for ensuring that all of their employees attend this training.

15.270. Additional ethical standards permitted. The code of ethics defines standards of conduct below which no local official or employee should fall. A city department, agency, authority, or instrumentality may adopt and enforce additional ethical standards as needed.

15.280. Definitions. (a) *Associated business* means any association in connection with which the individual is compensated in excess of fifty dollars (\$50.00) in any month, except for actual and reasonable expenses, as a director, officer, owner, member, partner, employer or employee, or is a holder of securities worth two thousand five hundred dollars (\$2,500.00) or more at fair market value.

(b) *Candidate* means any individual who files an affidavit of candidacy or petition to appear on the ballot for any elected office.

(c) *Confidential information* means information that is not accessible to the public or to the subject of the information, if any.

(d) *Conflict of interest* means a situation where a local official or employee, in the discharge of official duties, participates in a governmental decision, action or transaction in which he or she has a financial interest, except when that interest is no greater than that of another member of his or her business classification, profession or occupation.

(e) *Department head* means:

- City assessor
- City attorney;
- City coordinator
- Commissioner of health
- Chief of fire
- Chief of police
- Director, civil rights
- City engineer
- City clerk
- Director, planning
- Executive director, MCDA

Director, human resources
Director, communications
Assistant city coordinator, operations/regulatory services
Chief information officer
Finance officer
Director, government relations.

(f) *Election* means a general, special, primary or special primary election.

(g) *Employee* means a person who holds a civil service title or position in the city. The term "employee" shall not include a local official, anyone in the hire of the park and recreation board or library board, or any independent contractor.

(h) *Financial interest* means any interest, including loans, which shall yield, directly or indirectly, a monetary or other material benefit to the local official or employee (other than monetary or material benefits authorized by the city). A financial interest of a local official's or employee's employer (other than the City of Minneapolis), his or her associated business, or his or her spouse, domestic partner, or dependent shall also be considered a financial interest of the local official or employee. The following assets shall not be considered a financial interest for purposes of this section:

- (1) Ownership of shares in a diversified mutual fund.
- (2) Membership in a pension plan or employee benefit plan.
- (3) Ownership of bonds or publicly traded securities with a market value of less than two thousand five hundred dollars (\$2,500.00).
- (4) Ownership of a whole life insurance policy.

(i) *Gift* means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

(j) *Interested person* means a person or a representative of a person or association that has a direct financial interest in a decision that a local official or employee is authorized to make.

(k) *Lobby* means to attempt to influence any city council or mayoral action, city administrative action, or city proceeding by communicating or urging others to communicate with local officials or employees.

(l) *Lobbyist* means an individual engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, or an individual who spends more than two hundred fifty dollars (\$250.00) in any year, for the purpose of attempting to influence legislative or administrative action, or other city action, by communicating or urging others to communicate with public or local officials.

(m) *Local official* means a person holding the following elected or appointed positions:

- (1) The following elected officials: city council members; the mayor; and elected members of the board of estimate and taxation; and
- (2) Persons employed by the city in appointed positions, or holding the title of an appointed position. A list of the city's appointed positions shall be maintained by the department of human resources.
- (3) Individuals appointed or designated by the mayor or appointed by the city council to agencies, authorities, or instrumentalities including, but not limited to, the following:
 - Arts Commission, Minneapolis
 - Bassett Creek Watershed Management Commission
 - Central Avenue Special Service District Advisory Board
 - Citizen Environmental Advisory Committee (CEAC)
 - Civil Rights Commission, Minneapolis
 - Civil Service Commission, Minneapolis
 - Civilian Review Authority, Minneapolis
 - Community Development Agency, Minneapolis
 - Dinkytown Special Service District Advisory Board
 - Disabilities, Minneapolis Advisory Committee on People With
 - Downtown Skyway Advisory Committee
 - Family Housing Fund, Minneapolis/St. Paul

Forty Third Street West and Upton Avenue South Special Service District
Franklin Avenue East Special Service District Advisory Board
Hennepin Theatre District Special Services District
Heritage Preservation Commission, Minneapolis
Hiawatha Corridor Light Rail Transit Community Advisory Committee
Housing Board of Appeals
Latino Community Advisory Committee to the Mayor and City Council
Nicollet Avenue South Special Services District
Nicollet Mall Advisory Board
Planning Commission, Minneapolis
Public Health Advisory Committee
Public Housing Authority, Minneapolis
Real Estate Advisory Board
Rental Dwelling License Board of Appeals
Riverview Special Service District Advisory Board
Senior Citizen Advisory Committee to the Mayor and City Council
Shingle Creek Watershed Management Commission
South Hennepin Avenue Special Service District
Sports Facilities Commission, Metropolitan
Stadium Village Special Service District Advisory Board
Telecommunications Network, Minneapolis, (MTN)
Truth in Sale of Housing Board of Appeals
Uptown Special Service District Advisory Committee
Urban Environment, Committee on (CUE)
Workforce Investment Board (formerly Private Industry Council)
Zoning Board of Adjustment

(n) *Nonpublic information* means information that is not accessible to the public, but is accessible to the subject of the information, if any.

(o) *Participate* or *participation* means making a decision, taking action, providing advice or a recommendation, introducing, sponsoring, debating, voting on, approving, or investigating the decision, action, or transaction. Participation includes the direct and active supervision of the participation of a subordinate in the matter. Participation is more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue.

(p) *Principal* means an individual or association that:

- 1) Spends more than five hundred dollars (\$500.00) in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or
- 2) Is not included in clause 1) and spends a total of at least fifty thousand dollars (\$50,000.00) in any calendar year on efforts to influence city council action, administrative action, or other city action.

(q) *Private information* means information that is not accessible to the public but is accessible to the subject of the information.

(r) *Privileged information* means information that is learned by a local official or employee in the course and scope of his or her duties, and includes information that the law protects from forced disclosure because of a protected relationship, such as the attorney-client relationship.

(s) *Professional conflict of interest* means a situation where the interests of a principal of the lobbyist are or may be adverse to the interests of the city.

(t) *Proprietary information* means information belonging exclusively to the city.

(u) *Related person* shall mean a person in a marital relationship, a domestic partner relationship, other committed relationship, or a significant familial relationship with a local official or employee.

(v) *Significant familial relationship* means:

- (1) By blood: parent, child, grandparent, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, first cousin.

(2) By marriage: husband, wife, stepparent, stepchild, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, niece.

Adopted 3/21/03.

Approved by Acting Mayor Ostrow 3/21/03

W&M/Budget - Your Committee, having under consideration the New Central Library Project, recommends that Contract #17726 with Meyer Scherer & Rockcastle, Ltd be extended through March 31, 2004 to cover warranty work, at no additional cost to the project.

Adopted 3/21/03.

Approved by Acting Mayor Ostrow 3/21/03

W&M/Budget - Your Committee, having been informed that the Empowerment Zone (EZ) Committee has approved a loan of EZ funds in the amount of \$500,000 to the Heritage Park Phase II project, now recommends:

a) Approval of said loan to be administered by the Minneapolis Community Development Agency (MCDA);

b) That the proper City officers be authorized to execute an agreement with the MCDA setting forth the terms and conditions of administering said funds;

c) Passage of the accompanying resolutions providing for appropriation changes to transfer EZ funds from the City Coordinator to the MCDA.

Adopted 3/21/03.

RESOLUTION 2003R-094

By Johnson

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Decreasing the appropriation for the City Coordinator Agency in the Federal Grants Fund (0300-840-8460) by \$500,000; and

b) Increasing the appropriation for the Inter-Fund Transfer Agency (0300-127-FEZF-9001) by \$500,000 for the Heritage Park II Project.

Adopted 3/21/03.

RESOLUTION 2003R-095

By Johnson

Amending The 2003 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund FEZ (Federal Empowerment Zone) by \$500,000 and increasing the MCDA revenue budget (3820 - Transfer from Special Revenue) in Fund FEZ by \$500,000.

Adopted 3/21/03.

W&M/Budget - Your Committee recommends appointment of Jason Geschwind (business representative) and Anissa Keyes (resident representative) to the Minneapolis Empowerment Zone (EZ) Governance Board for three-year terms as recommended by the EZ Executive Committee.

Adopted 3/21/03.

W&M/Budget - Your Committee recommends approval of the request of Klara Fabry, Director of Public Works, for reimbursement of her relocation expenses up to \$15,000, notwithstanding the City's established expense limit of \$10,000.

Adopted 3/21/03.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP#6021 of Norstan Communication, Inc. for an estimated expenditure of \$150,000 for telecommunications maintenance through December 31, 2004, all in accordance with City specifications; and authorization to execute a contract for said services.

Adopted 3/21/03.

W&M/Budget - Your Committee recommends passage and summary publication of the accompanying resolution establishing the 2003 Minneapolis Board of Equalization and appointing the board members.

Adopted 3/21/03.

Resolution 2003R-096, establishing the Special Board of Review for the Board of Equalization, providing for the procedure to be allowed by said Board, approving appointment of members and fixing the compensation, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-096

By Johnson

Establishing the Special Board of Review for the Board of Equalization and providing for the procedure to be allowed by said Board and fixing the compensation.

Whereas, Minnesota Statutes 1975, Section 274.01 (Subdivision 2), authorizes any city, including cities whose charters provide for a board of equalization to appoint a special board of review to which it may delegate all powers and duties specified in said Section 274.01, subdivision 1; and

Whereas the City Council pursuant to said law has passed an ordinance creating a special board of review to which the City Council has delegated all of the powers and duties specified in said Section 274.01, Subdivision 1, and has provided in said ordinance that the City Council shall by resolution provide for the number of persons to be appointed, the persons to be appointed, the amount of compensation to be paid, and the term of office;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That three (3) or more persons be appointed to the Special Board of Review; that the Board be composed of one or more committees of at least three (3) persons in each committee; that the Board shall hold its first meeting on April 21, 2003, at the call of the City Clerk pursuant to Minnesota Statutes 1975, Section 274.01, Subdivision 1; that the board shall hold hearings of complaints of persons feeling aggrieved by an assessment; that the committees of the Board shall include at least one appraiser, one Realtor or other person familiar with property valuations in the City of Minneapolis and one freeholder of the City of Minneapolis; that the Board shall complete its hearings on May 9, 2003, and after these hearings the board shall fix the assessment to each property considered; that the City Clerk shall return the assessment rolls on May 16, 2003, to the City Council, who may confirm the same or return the same to the board for further revisions, to be again reported to the City Council; that the board shall adjourn after it has completed its function for 2003 and that each member shall be paid \$75 for each half-day he or she served as a member of the board.

Be It Further Resolved that the people named below be appointed to the 2003 Minneapolis Board of Equalization for terms from April 21, 2003, thru May 9, 2003 and that these people serve, on a rotating basis, as a three-member board and that these people be paid \$75 per half-day for each half-day they serve as members of said board, payable from the City Clerk-Administration (0100-260-2611):

Appraisers: John Pappas, 4845 James Av S;
Larry Tucker, 1349 Washburn Av N

Realtors: Ted Risk, 3628 Johnson St NE;
Patricia Werner, 1101 Mt Curve;
Jeffrey Piper, 845 20th Av SE
Residents: Jim Robb, 5221 Xerxes Av S;
John Cole, 512 Lyn Park Circle N;
Jim Litecky, 3931 Upton Av N
Tom J. Butler, 6115 12th Av S.

Adopted 3/21/03.

W&M/Budget - Your Committee recommends approval of the request of the Planning Department to create and hire one Full-Time-Equivalent grant funded Principal Planner position for commercial corridor strategic revitalization planning. The duration of the position was contingent upon receipt of Community Development Block Grant funds designated for the position.

Adopted 3/21/03.

W&M/Budget - Your Committee, having reviewed the 2002 4th Quarter Financial Report, now recommends passage and summary publication of the accompanying resolutions amending the 2002 and 2003 General Appropriation Resolutions providing for supplemental adjustments to the 2002 and reappropriation of funds from 2002 to 2003 budget as recommended by the Finance Officer.

Adopted 3/21/03.

Resolutions 2003R-097 and 2003R-098, amending the 2002 and 2003 General Appropriation Resolutions providing for adjustments to the 2002 and 2003 budget as recommended by the Finance Officer, were passed 3/21/03 by the City Council. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-097
By Johnson

Amending The 2002 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

2002 Year End Supplemental Appropriations

Agency	Appropriation	Revenue	Description
GENERAL FUND			
Transfers	\$60,000	\$60,000	To support City Attorney expense in Self Insurance Fund. Offset by fine revenues in excess fo 2002 revenue budget of \$222,000
Attorney	\$25,000	\$25,000	Higher contractual and telephone expenses. Offset by fine revenues in excess of 2002 revenue budget of \$222,000.
Mayor	\$9,534	\$ -	Related to unemployment payments to employees in the previous administration.

MARCH 21, 2003

Inspections	\$75,000	\$75,000	Technical increase for existing board-up program for Police Department.
ITS	\$50,000	\$50,000	Time Warner MTN Franchise Fees. Payment required by franchise agreement.
Total General Fund	\$159,534	\$150,000	
PERMANENT IMPROVEMENT			
Public Works - Streets and Malls	\$552,000	\$552,000	2002 Special Assessment Bond issuance for alley paving/resurfacing was \$48,000 less than originally planned. Reimbursable paving amounted to \$600,000.
Total Permanent Improvement	\$552,000	\$552,000	
EQUIPMENT FUND			
Public Works - Equipment	\$1,500,000	\$1,500,000	Appropriation increase due to Near North (Heritage Park) and LRT outside equipment rental.
Total Equipment	\$1,500,000	\$1,500,000	
PROPERTY SERVICES FUND			
Public Works - Property Services	\$2,500,000	\$2,500,000	Property Services added three new State ramps to maintain reimbursed by the State in the amount of \$530,000. Maintenance and work for others had been higher than anticipated (\$1,970,000) but with matching revenue.
Total Property Services	\$2,500,000	\$2,500,000	
SELF INSURANCE FUND			
Health & Welfare	\$1,396,000	\$1,396,000	Blue Cross Blue Shield premiums were \$1,054,000 higher than anticipated. Dental premiums (\$300,00) and long-term disability premiums (\$42,000) were also higher than anticipated. Revenues matched the higher costs.
Attorney	\$60,000	\$ -	Higher litigation/investigation expenses. Offset by 2002 fine revenues in the General Fund in excess of revenue budget by \$222,000.
Transfers		\$60,000	To support City Attorney expenses (see above). Funded by increased fine/forfeit revenue in the General Fund.

Workers Comp	\$930,000	\$930,000	Workers compensation final benefit settlement claims with the State have generated additional revenue and expense of \$930,000.
Total Self Insurance	\$2,386,000	\$2,386,000	
Total All Funds	\$7,097,534	\$7,088,000	
Expense Net Revenue	\$9,534		
Adopted 3/21/03.			

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2003R-098
By Johnson**

Amending The 2003 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

Requests for reappropriation of 2002 funds to 2003

Agency Name	Appropriation	Description
General Fund		
Civil Rights	\$140,000	Delayed expenses for Civilian Review Authority and Heritage Park.
Public Works - Administration	\$103,709	Local 363 Rewards funding (Res. No. 02R-341).
Finance	\$173,000	GASB 34 contract completion.
Licenses and Consumer Services	\$39,000	Taxi driver training.
Grand Total General Fund Reappropriation	\$455,709	
Convention Center	\$174,000	2002 encumbered purchase orders for maintenance, repairs and equipment.
Total Convention Center Total Reappropriation (all funds)	\$174,000	
	\$629,709	
Adopted 3/21/03.		

W&M/Budget - Your Committee, having under consideration the recommendation of the City Finance Officer that the City implement a government service fee to City enterprise funds to recover the cost of City services that benefit the fund, now recommends that said fee be approved and the Finance Department be directed to include the fees in preparation of the 2004 budget proposal.
Adopted 3/21/03.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of Abraham Awaijane, d/b/a Penn Gas Stop, for a waiver from Interim Ordinance 2002-Or-070, providing for a moratorium on the establishment, reestablishment, or expansion of grocery stores and automobile convenience facilities in the C1 and C2 zoning districts between Penn and Lyndale Aves N and 26th and 44th Aves N (passed 7/26/02), to permit applications for re-establishment of a combination gas station and grocery/convenience store at 2600-06 Penn Ave N, now recommends that said waiver be granted.

Adopted 3/21/03.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, to codify a policy regarding refunding of zoning fees for applications that have been withdrawn or returned, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Adopted 3/21/03.

Ordinance 2003-Or-035 amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to *Zoning Code: Administration and Enforcement*, amending Sections 525.140 and 525.160 to set policies related to the circumstances under which refunds for zoning application fees would be provided and whether a partial or full refund would be provided, was passed 3/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-035

By Schiff

Intro & 1st Reading: 02/15/02

Ref to: Z&P

2nd Reading: 3/21/03

Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 525.140(d) of the above-entitled ordinance be amended to read as follows:

525.140. Application procedures.

(d) *Remedy of deficiencies.* If the applicant fails to correct the specified deficiencies ~~with~~ within thirty (30) days of the notification of deficiency, the application shall be deemed withdrawn and will be returned to the applicant, ~~including all application fees.~~

Section 2. That Section 525.160 of the above-entitled ordinance be amended by adding a new subdivision (d) to read as follows:

525.160. Fees.

(d) Refund of fees.

(1) Incomplete applications. If an applicant fails to provide a complete application and the application is withdrawn by the applicant or is deemed withdrawn and returned pursuant to section 525.140(d), the city shall retain the first fifty dollars (\$50.00) of the total fees paid for the project. Any sum paid over the amount to be retained shall be refunded.

(2) Complete applications. If an applicant withdraws a complete application before the scheduled public hearing, or in the case of an application for administrative review, before the application is decided by the planning director or zoning administrator, the city shall retain the first fifty dollars (\$50.00) of the total fees paid for the project, or such proportion of the fee paid as determined by the costs to the city to process the application up to the time it was withdrawn compared to the costs to

completely process the application, whichever is greater. Any sum paid over the amount to be retained shall be refunded. If the scheduled public hearing is held, or if the application is decided by the planning director or the zoning administrator, no fees shall be refunded, whether or not the application is withdrawn, approved or denied.

(3) *Exception.* The city shall refund the total amount of fees paid for any application that was accepted by the zoning administrator in error.

Adopted 3/21/03.

Z&P – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Kit Richardson (BZZ-979) to rezone the property at 700-766 N 4th St by adding the IL (Industrial Living) Overlay District to the existing I2 with the DP (Downtown Parking) Overlay District to permit construction of 105 dwelling units as phases I and II of a multi-phased planned unit development (710 Lofts and 720 Lofts), and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 3/21/03.

Ordinance 2003-Or-036, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 700-766 N 4th St by adding the IL Overlay District to the existing zoning, was passed 3/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-036

By Schiff

1st & 2nd Readings: 3/21/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1 to 5 inclusive, except the following portions of said Lots: The rear 11 feet of said Lots 1, 2, 3; the rear 11 feet of the Southeasterly 35.22 feet of said Lot 4; the rear 12 feet of the Northwesterly 15 feet of said Lot 4; the rear 12 feet of said Lot 5; all in Block 16, Bradford and Lewis's Addition to Minneapolis; and

B. That part of Lot 6, Block 16, Bradford and Lewis's Addition to Minneapolis lying Southeasterly of a line drawn from a point in the Southwesterly line of said Lot 6, 299.99 feet Northwesterly, measured along said line from the most Southerly corner of said Block 16, to a point in the Southwesterly line of the Northeasterly 12 feet of said Lot at a point 299.99 feet Northwesterly from the Southeasterly line of said Block 16, as measured along an extension of said Southwesterly line of the Northeasterly 12 feet of said Lot 6 (700-766 N 4th St - Plate 13) to add the IL Overlay District.

Adopted 3/21/03.

Z&P – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Minnesota Teen Challenge (BZZ-1013) to rezone the property at 1619 Portland Ave S to add the B4H (Downtown Housing) Overlay District to the existing R6 with the DP (Downtown Parking) Overlay District to permit up to 110 beds of supportive housing and a community residential facility of up to 30 beds, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 3/21/03.

Ordinance 2003-Or-037, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 1619 Portland Ave S by adding the B4H Overlay District to the existing zoning, was passed 3/21/03 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2003-Or-037

By Schiff

1st & 2nd Readings: 3/21/03

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 33, Auditor's Subdivision No. 1 have a West frontage of 126.75 on Portland Ave and a South frontage of 170.75 feet on 17th St in the City of Minneapolis, according to the plat thereof on file or of record in the office of the Registrar of Deeds in and for Hennepin County, Minnesota, registered Certificate of Title No. 696351; and

B. That part of Lot 3, Elliot's 2nd Addition to Minneapolis, Hennepin County, Minnesota (1619 Portland Ave S - Plate 20) to add the B4H Overlay District.

Adopted 3/21/03.

Goodman moved that the City Council recess for 15 minutes to hold a meeting of the Minneapolis Community Development Agency Board of Commissioners. Seconded.

Adopted upon a voice vote.

The Council recessed at 12:03 p.m.

The meeting was reconvened at 12:18 p.m.

President Ostrow in the Chair.

Present - Council Members Niziolek, Benson, Lane, Sanuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Absent - Goodman.

MOTIONS

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of April, 2003, approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 3/21/03.

Absent - Goodman.

Niziolek introduced the subject matter of Ordinances amending Title 5, Chapter 85 of the Minneapolis Code of Ordinances relating to *Building Code: In General*, to incorporate the new State Building Code, which was given its first reading and referred to the Public Safety and Regulatory Services Committee for a public hearing on March 26, 2003.

Niziolek introduced the subject matter of Ordinances amending Title 5 relating to *Building Code*, which were given their first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing on March 26, 2003, amending:

- a) Chapter 89, *Permit and Certificates of Occupancy*, regarding owner-occupant permits and correlated ordinances;
- b) Chapter 91, *Permit Fees*, regarding fees;
- c) Chapter 101, *Plumbing*, regarding plumbers examining board;
- d) Chapter 105, *Heating, Air Conditioning and Refrigeration*, regarding duct cleaning permits;
- e) Chapter 99, *Electricity*;
- f) Chapter 113, *Retaining Walls*.

Niziolek introduced the subject matter of an Ordinance amending Title 13, Chapter 277 of the Minneapolis Code of Ordinances relating to *Licenses & Business Regulations: Building Trade Licenses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing March 26, 2003 (Regarding surety bond limit to be in compliance with the State)

Lane introduced the subject matter of an Ordinance amending Title 16, Chapter 419 of the Minneapolis Code of Ordinances relating to *Planning and Development: Neighborhood Revitalization Program*, which was given its first reading and referred to the Community Development Committee (Establishing funding priorities for Phase II of the NRP and related amendments).

RESOLUTIONS

Ostrow, Zerby Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane offered a Resolution honoring Richard Schultz for his 35 years of service and exemplary leadership in his role as Deputy Chief of the Minneapolis Police Department.

Adopted 3/21/03.

Absent - Goodman.

(Not published. See Resolution 2003R-099 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2003R-099

By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Benson, Niziolek, Colvin Roy and Lane

Honoring Richard Schultz for his 35 years of service and exemplary leadership in his role as Deputy Chief of the Minneapolis Police Department.

Whereas, Richard Schultz was hired as a Minneapolis Police Officer on January 8, 1968, and was assigned to the Northside Precinct; and

Whereas, Richard Schultz was promoted to the rank of Sergeant on January 1, 1977; and

Whereas, Richard Schultz was promoted to the rank of Lieutenant and assigned to Administrative Services on July 27, 1990; and

Whereas, Richard Schultz was promoted to the rank of Inspector and assigned to Administrative Services on May 19, 1991; and

Whereas, Richard Schultz was assigned as Inspector of the 4th Precinct on November 1, 1992; and

Whereas, Richard Schultz was promoted to Deputy Chief on May 1, 1994; and assigned to Internal Services; and

Whereas, Richard Schultz was assigned to Interim Chief of Police on January 1, 1995; and

Whereas, Richard Schultz was assigned to Deputy Chief of Internal Services on March 17, 1995; and

Whereas, Richard Schultz was assigned to Deputy Chief of the Criminal Investigation Division on September 1, 1996; and

Whereas, Richard Schultz was assigned to Deputy Chief of the South Field Services Bureau on March 28, 1999; and

Whereas, Richard Schultz was assigned to Deputy Chief of the Central Services Bureau on January 3, 2002;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we commend and extend our gratitude to Rick Schultz for his leadership and dedication to the City of Minneapolis and wish him the best of luck and happiness with all his future endeavors.

Adopted 3/21/03.

Absent - Goodman.

Colvin Roy, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson and Lane offered a Resolution recognizing the contributions of Gregory A. Finstad to the City of Minneapolis during his career with the Department of Public Works.

Adopted 3/21/03.

Yeas, 12; Nays none.

(Not published. See Resolution 2003R-100 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2003R-100

**By Colvin Roy, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann,
Goodman, Lilligren, Schiff, Niziolek, Benson, and Lane**

**Recognizing the contributions of Gregory A. Finstad to the City of Minneapolis during his
career with the Department of Public Works**

Whereas, Greg has devoted 33 years working as an engineer for the Minneapolis Department of Public Works; and

Whereas, Greg, throughout his entire career has been involved in and provided leadership for the development of the Minneapolis Parking System into the largest Municipal Parking System in the United States which now consists of 20 parking ramps and 9 parking lots providing a total of 24,660 parking spaces; and

Whereas, Greg has developed a vast network of professional relationships through which he has very successfully represented the City's interests in transportation, parking, and traffic-related issues; and

Whereas, Greg has played a major role in the development and implementation of numerous transportation-related initiatives that have improved traffic flow, increased safety for both motorists and pedestrians, and eased congestion throughout the City; and

Whereas, Greg has attended countless meetings with neighborhoods and organizations throughout the community to address and resolve issues regarding signage, lighting and traffic calming that improve the quality of life for our citizens; and

Whereas, Greg has been instrumental in developing and maintaining very productive working relationships with many other agencies such as Metro Transit, Mn/DOT, Downtown TMO that have been beneficial to the City; and

Whereas, Greg has served the Department of Public Works in many leadership roles including the past 4 years as Director of Transportation & Parking Services; and

Whereas, Greg's conduct as a Professional Engineer has been exemplary and serves as an example to all of how to provide outstanding service to the community;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That Gregory A. Finstad be recognized and commended for the service and leadership he has provided to the City of Minneapolis.

Adopted 3/21/03.

Absent - Goodman.

Ostrow moved approval of a Resolution amending Resolution 2002R-470 by increasing the General Fund appropriation by \$8,700,000 to cover one-time costs related to laying off city employees and paying for potential future retirement incentives for city employees (yet to be authorized). Seconded.

Lane moved to substitute a new resolution to amend Resolution 2002R-470 stating:

"Pursuant to the City's Financial Management Policies, as amended by Resolution 2000R-538, the City Council authorizes an amendment to the 2003 appropriation resolution so as to increase the General Fund transfer to the internal service funds by a total of \$8,700,000 in such proportion for each fund as the Finance Officer shall, in his discretion, direct."

Lost. Yeas, 2; Nays, 9 as follows:

Yeas - Benson, Lane.

Nays - Niziolek, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Ostrow's motion was adopted 3/21/03.

Yeas, 11; Nays, 1 as follows:

Yeas - Niziolek, Benson, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Lane.

Absent - Goodman.

RESOLUTION 2003R-101

By Ostrow

Amending Resolution 2002R-470 entitled "Fixing the maximum amounts to be expended by the various departments for 2003 from the various funds under the jurisdiction of the City Council for which the City Council levies taxes and fees."

Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes an amendment to the 2003 appropriation resolution by increasing the General Fund appropriation by \$8,700,000 to cover the one-time costs related to the following:

- 1) cost of laying off city employees (including job bank costs, unemployment costs, and sick leave or vacation payouts which have not been previously recorded as an expense); and
- 2) paying for potential future retirement incentives for city employees, which has yet to be authorized by the City Council.

The \$8,700,000 appropriation increase will be funded through a one-time use of General Fund reserve (fund balance).

The Chief Finance Officer has the authority to either amend the non-department General Fund agency (Fund 0100, Agency 123) budget or to amend agency level (departments) appropriations to cover these stated one-time costs. The total amount of amendments cannot exceed \$8,700,000.

The Chief Finance Officer is to report back to the Ways & Means/Budget Committee by June 30, 2003 on the actual layoff or retirement incentive costs incurred and final budget amendments by agency.

Adopted 3/21/03.

Yeas, 11; Nays, 1 as follows:

Yeas - Niziolek, Benson, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Lane.

Absent - Goodman.

UNFINISHED BUSINESS

T&PW & W&M/Budget - Your Committee recommends passage and summary publication of the accompanying Resolution, amending Resolution No. 2002R-447 entitled, "Designating the improvement of certain existing streets at the location described hereinafter", passed by Council action of November 22, 2002 to insert the language, "130 ft east of the" to paragraph 3 of the Resolution.

Your Committee further recommends that the previously submitted cost estimate of \$1,800,000 be revised to \$1,830,000 due to the additional lights on the eastern portion of the project area.

Adopted 3/21/03.

Yeas, 10; Nays 2 as follows:

Yeas - Niziolek, Benson, Lane, Samuels, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Johnson, Zimmermann.

Absent - Goodman.

Resolution 2003R-102, amending Resolution 2002R-447 relating to the Lowry Hill East Neighborhood Street Lighting Project, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-102
By Colvin Roy and Johnson

Lowry Hill East Neighborhood Street Lighting Project,
Special Improvement of Existing Street No 2249

Amending Resolution No. 2002R-447 entitled, "Designating the improvement of certain existing streets at the location described hereinafter" passed November 22, 2002

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within The City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by installing ornamental street lights together with all necessary appurtenances and work related thereto:

Area bounded by, and not including, Hennepin Ave, and including Aldrich Ave South and West 28th Street;

Franklin Ave W, W 22nd St, W 24th St, W 25th St, W 26th St, W 27th St, and W 28th St from approximately the southeast ROW line of Hennepin Ave to the 130 ft east of the east ROW line of Aldrich Ave S; and

Girard Ave S, Fremont Ave S, Emerson Ave S, Dupont Ave S, Colfax Ave S, Bryant Ave S, and Aldrich Ave South from approximately the southeast ROW line of Hennepin Ave to the south ROW line of W 28th St.

Adopted 3/21/03

Yeas, 10; Nays 2 as follows:

Yeas - Niziolek, Benson, Lane, Samuels, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Johnson, Zimmermann.

Absent - Goodman.

RESOLUTION 2003R-105

By Colvin Roy

Amending the 2003 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the PW-Transportation-Street Lighting Capital Appropriation in the Permanent Improvements Projects Fund by \$1,830,000 (4100-943-9432) for the Lowry Hill East Neighborhood Street Lighting Project, to be reimbursed by special assessments in the amount of \$1,290,000 (4100-943-9432 - Source 3845) and NRP ,in the amount of \$540,000 (4100-943-9432 - Source 3910).

Adopted 3/21/03.

Yeas, 10; Nays 2 as follows:

Yeas - Niziolek, Benson, Lane, Samuels, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Johnson, Zimmermann.

Absent - Goodman.

(Republished June 25, 2003)

T&PW & W&M/Budget - Your Committee, having under consideration the Lowry Hill East Neighborhood Street Lighting Project, Special Improvement of Existing Street No 2249, now recommends passage and summary publication of the accompanying Resolutions:

- a. Ordering the work to proceed and adopting the special assessments for the Lowry Hill East Neighborhood Street Lighting Project; and
- b. Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,290,000 for certain purposes other than the purchase of public utilities.

Adopted 3/21/03.

Yeas, 10; Nays 2 as follows:

Yeas - Niziolek, Benson, Lane, Samuels, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Johnson, Zimmermann.

Absent - Goodman.

Resolution 2003R-103, ordering the work to proceed and adopting the special assessments for the Lowry Hill East Neighborhood Street Lighting Project, was passed 3/21/03 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2003R-103

By Colvin Roy

**Lowry Hill East Neighborhood Street Lighting Project,
Special Improvement of Existing Street No 2249**

Ordering the work to proceed and adopting the special assessments for the Lowry Hill East Neighborhood Street Lighting Project.

Whereas, a public hearing was held on February 18, 2003, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2002R-447 passed November 22, 2002, to consider the proposed special assessments as on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said resolution 2002R-447 passed November 22, 2002.

Be It Further Resolved that the proposed special assessments as on file in the Office of the City Clerk be \$1,290,000 and are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments to begin on the 2004 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as assessment bonds are sold for with collection of the special assessments on the 2004 real estate tax statements.

Adopted 3/21/03.

Yeas, 10; Nays 2 as follows:

Yeas - Niziolek, Benson, Lane, Samuels, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Johnson, Zimmermann.

Absent - Goodman.

RESOLUTION 2003R-104

By Colvin Roy

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,290,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting improvements in the Lowry Hill East Neighborhood Street Lighting Project, Special Improvement of Existing Street No 2249, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 3/21/03.

Yeas, 10; Nays 2 as follows:

Yeas - Niziolek, Benson, Lane, Samuels, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Johnson, Zimmermann.

Absent - Goodman.

T&PW & W&M/Budget - Your Committee reports that in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to street lighting districts, a public hearing was held on February 18, 2003 to consider the establishment of Street Lighting District No 1295 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No 1295 (streets to receive lighting are as designated in the Lowry Hill East Neighborhood Street Lighting Project, Special Improvement of Existing Street No 2249) as delineated in a report of the Transportation and Public Works Committee passed by the City Council on November 22, 2002 be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No 1295 not be considered final approval until at least two weeks from now in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances.

Adopted 3/21/03.

Yeas, 10; Nays 2 as follows:

Yeas - Niziolek, Benson, Lane, Samuels, Colvin Roy, Schiff, Zerby, Lilligren, Johnson Lee, Ostrow.

Nays - Johnson, Zimmermann.

Absent - Goodman.

NEW BUSINESS

Johnson Lee introduced an Ordinance amending Title 7, Chapter 139 of the Minneapolis Code of Ordinances relating to *Civil Rights: In General*, which was given its first reading and referred to the Health & Human Services Committee (Amending Section 139.10(b)(4) To protect all persons from discrimination and from unfounded charges of discriminatory practices).

Johnson Lee acknowledged the students from North High School who were visitors to the Council today.

The meeting was adjourned at 12:40 p.m.

Steven J. Ristuben,
Assistant City Clerk.

Created: 3/25/2003;
Modified: 3/31/2003;
Corrected: 4/09/2003;
4/28/2003;
8/21/2003;